Department of Environment and Conservation

Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 2994/1
Permit type: Area Permit

1.2. Proponent details

Proponent's name: Erujin Pty Ltd

1.3. Property details

Property: LOT 50 ON PLAN 37908 (KALGAN 6330)
Local Government Area: City Of Albany
Colloquial name:

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
1.797		Mechanical Removal	Fence Line Maintenance

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description	Clearing Description	Vegetation Condition	Comment
The vegetation under application is comprised of Beard vegetation association 3: Medium forest; Jarrah-marri.	The vegetation is considered to be in a good (Keighery, 1994) condition. The vegetation on the property is still currently being grazed by cattle and some areas have been disturbed by fire (DEC, 2009).	Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery 1994)	The condition and description of the vegetation under application was determined via the use of aerial mapping systems and DEC regional advice.

3. Assessment of application against clearing principles

(a) Native vegetation should not be cleared if it comprises a high level of biological diversity.

Comments

Proposal may be at variance to this Principle

The proposed clearing of 1.797 hectares of native vegetation is for the purpose of constructing a boundary fence and creating fire breaks for a new subdivision. The total proposed width of the fence line and firebreaks is 12 m. The subdivision proposal is to divide the property into three lots. The subdivision is currently subject to a SAT appeal and conditions relating to the vegetation on the property are part of this appeal.

The local area (10km radius) is highly cleared with approximately 25% remaining vegetation. The vegetation under application is considered to be in a good (Keighery, 1994) condition.

The vegetation has been subjected to grazing pressures from cattle and weeds have invaded some areas (DEC, 2009).

The large remnant to the north of the property will be substantially fragmented by the proposed fence line and firebreak clearing. This remnant is a significant stepping stone and potential roosting habitat for all three WA black cockatoo species (DEC 2009). Most of this remnant is required to be fenced around the perimeter to prevent stock access.

A watercourse within the property will also be impacted by the proposed clearing.

Several remnants, not impacted by the proposed clearing, will be fenced on the property and all other remaining remnants will not be fenced.

Due to the proposed fragmentation of the large remnant the proposal may be at variance to this Principle.

Methodology DEC (2009)
Keighery (1994)

GIS databases:
- Albany Mt Barker 1.4m Orthomosaic (9/10/07)
- SAC Biodatasets - accessed 13 Mar 09

(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 indigenous to Western Australia.

Comments

Proposal may be at variance to this Principle

The vegetation is considered to be in good (Keighery, 1994) condition.

The local area (10km radius) has been extensively cleared for agricultural purposes with approximately 25% of vegetation remaining.

The proposed clearing will increase fragmentation in a highly cleared area, leading to a decrease in habitat potential for local fauna species.

Of those recorded within the local area Phascogale tapoatafa (Brush-tailed phascogale) and Pseudocheirus occcidentalis (Western ringtail possum) may occur within the application area, depending on the presence of tree hollows suitable for habitat sites. Isoodon obesulus fusciventer (Quenda) may also frequent the vegetation within the application area, as this species prefers dense areas of vegetation along watercourses (DEC, 2007). Baudins black cockatoo (Calyptorhynchus baudinii), Carnaby's black-cockatoo (Calyptorhynchus latirostris) and Forest red-tailed black-cockatoo (Calyptorhynchus banksii naso) may also use the vegetation under application, either for roosting sites or as a stepping stone to nearby conservation areas (DEC, 2009).

While the proposed clearing is small (1.797 ha), due to the highly cleared nature of the existing environment and the impact of the larger remnant it is a part of the proposal may be at variance to this Principle.

Methodology

DEC (2007)
DEC (2009)
Keighery (1994)
GIS Databases:
Albany Mt Barker 1.4m Orthomosaic (9/10/07)
- Hydrography linear - DOW 13/7/06
- Hydrography linear (hierarchy) - DoW 13/7/06
- SAC Biodatasets - accessed 13 Mar 09

(c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, rare flora.

Comments

Proposal may be at variance to this Principle

There are many occurrences of rare and priority listed species that have been recorded within the local area (10km radius). These include fourteen priority four species, twenty one priority three species, and three priority two species. One priority one species and eight rare flora species were also recorded within the local area.

Olax scalariformis (P3) was recorded 600 metres west of the application area, Hakaea lasiocarpha (P3) 2km south, Andersonia depressa (P3) 3km south and the priority four species Bossiaea divaricata 1.9km north west. These flora species occur on both the same soil and vegetation types as that of the application area.

Several rare species found in the local area occur within close proximity to the application area. Drakaea micrantha, Banksia goodii & Microtis globula have all been recorded within 5km of the application area. Andersonia pinaster, Isopogon unicantus, Banksia brownii and Banksia verticillata are the remaining rare flora species occurring 5 to 10 km from the application area.

A flora survey is the only way to determine the presence of these species.

Methodology

GIS Databases:
Albany Mt Barker 1.4m Orthomosaic (9/10/07)
- SAC Biodatasets - accessed 13 Mar 09

(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.

Comments

Proposal may be at variance to this Principle

The proposed clearing is for the purpose of constructing a boundary fence and establishing fire breaks, with the total area to be cleared 1.797 hectares.

Within the local area (10km radius) there are numerous occurrences of the Threatened Ecological Community (TEC) open low Allocasuarina fraserina, Eucalyptus staeri woodland. The closest community was recorded 3.9km north west of the application area. Some of these TECs occur on the same soil type as the application area as well as occuring within a similar vegetation type.

Methodology GIS Database:
- SAC Biodatasets - accessed 11 Feb 08
- Soils, Statewide DA 11/99

(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.

Comments

Proposal may be at variance to this Principle

The vegetation under application is comprised of Beard vegetation association 3. This association is well represented within the City of Albany & the bioregion with 36.1% and 69.32% remaining respectively (Shepherd et al. 2007). The proposed clearing of 1.797 hectares of native vegetation will not reduce the beard association (3) to less than 30% of pre-European levels (Commonwealth, 2001).

The large remnant to the north of the property will be substantially fragmented by the proposed fence line and firebreak clearing. This remnant is a highly significant stepping stone and potential roosting habitat for all three WA black cockatoo species (DEC 2009). Most of this remnant is required to be fenced around the perimeter to prevent stock access.

The proposed clearing may be at variance to this principle.

Methodology Commonwealth (2001)
Shepherd (2007)
GIS Databases:
- SAC Biodatasets - accessed 11 Feb 08

(f) Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.

Comments

Proposal is at variance to this Principle

There are several watercourses located within the vicinity of the application area. A minor non-perennial watercourse is located within the southern section of the property and will be impacted by the proposed fence lines and firebreaks. The vegetation surrounding this is to be fenced and retained (SAT, 2008).

A major stream of the Kalgan River is located 800 metres of the northern section of vegetation under application. There is also a minor non-perennial watercourse situated 650 metres west of the area under application in the northern section. The Kalgan River itself is located 1.4km west and the ANCA listed wetland (Oyster Harbour) is located 1.5km east. There are two dams within the property boundaries, one is located centrally in the northern section of vegetation, and the other is on the eastern side of the property.

As only a small portion of the applied area is adjacent to a watercourse and given that the proponent has agreed to fence these areas, the impacts of the proposed clearing on riparian vegetation will be kept to a minimum. Clearing will be kept to a minimum within fenced riparian zones and will only be done to facilitate construction of creek crossovers (SAT, 2008). The loss of riparian vegetation along a waterway can destabilise the banks, creating localised erosion, turbidity and a subsequent decrease in water quality (DoW, 2009). The Department of Water (DoW) have no objections to the interference with the watercourse on site as long as a basic foreshore revegetation plan is implemented in collaboration with them (SAT, 2008).

Methodology SAT (2008)
DoW (2009)
GIS Databases:
- Clearing Regulations, Environmentally Sensitive Areas 30 May 2005
- Hydrography linear - DOW 13/7/06
- Hydrography linear (hierarchy) - DoW 13/7/06
- South Coast Significant Wetlands - WRC 10/06/2003

(g) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.

Comments

Proposal is not likely to be at variance to this Principle

Due to the small size and linear nature of the proposed clearing it is unlikely that land degradation will result from the clearing as proposed.

Methodology GIS Databases:
- Albany Mt Barker 1.4m Orthomosaic (9/10/07)
- Soils, Statewide DA 11/99
- Topographic contours statewide - DOLA and ARMY 12/09/02

(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.

Comments

Proposal may be at variance to this Principle

There are three nature reserves located within the local area (10km radius).

Mt Mason and Bakers Junction nature reserve are located 1.7km south and 3.6km north west respectively. Two peoples bay nature reserve is 8km east of the application area.

The large remnant to the north of the property will be substantially fragmented by the proposed fence line and firebreak clearing. This remnant is a highly significant stepping stone and potential roosting habitat for all three WA black cockatoo species (DEC 2009). Most of this remnant is required to be fenced around the perimeter to prevent stock access.

The continued clearing of native vegetation in a highly clearing area will reduce the dispersal capacity of flora and fauna species to conservation reserves in the local area.

The proposed clearing may be at variance to this principle.

Methodology

DEC (2009)
GIS Databases:
- Albany Mt Barker 1.4m Orthomosaic (9/10/07)
- CALM Managed Lands and Waters - CALM 01/06/05

(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.

Comments

Proposal may be at variance to this Principle

The loss of riparian vegetation along a waterway can destabilise the banks, creating localised erosion, turbidity and a subsequent decrease in water quality (DoW, 2009). The proponent has agreed to fence these areas as well as retaining other large areas of vegetation on the property.

Methodology

GIS Databases:
- Groundwater Salinity Statewide DoW 13/07/06
- Hydrographic catchments, catchments - DoW 01/06/07
- Hydrographic catchments, subcatchments - DoW
- Topographic Contours, Statewide - DOLA 12/09/02

(j) Native vegetation should not be cleared if clearing the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.

Comments

Proposal is not likely to be at variance to this Principle

Due to the small size and linear nature of the proposed clearing it is unlikely that an increase in flooding intensity or duration will result from the clearing as proposed.

Methodology

GIS Databases
- Hydrographic catchments, catchments - DoW 01/06/07
- Hydrographic catchments, subcatchments - DoW 01/06/07
- Hydrography, linear - DoW 13/7/06
- Mean Annual Rainfall Isohytes (1975 - 2003) - DEC 02/08/05
- Topographic Contours, Statewide - DOLA 12/09/02

Planning instrument, Native Title, Previous EPA decision or other matter.

Comments

A State Administration Tribunal (SAT) is still ongoing and is directly related to the management of vegetation on the property.

As stated in the City of Albany Firebreak Notice and Burning Information 08 -09, Strategic firebreaks must be 6 metres wide, with a 4 metre all weather vehicle running surface, as per FESA's "Planning for Bush Fire Protection" guidelines (Trim Ref: DOC79230).

The City of Albany has received 3 different proposals for subdivision from the proponent (Trim Ref: DOC79515). Final subdivision approval will need to be provided to ensure that the approved subdivision aligns with the proposed cleared areas.

Methodology

SAT (2008)
Trim Ref: DOC76822
Trim Ref: DOC79230

4. Assessor's comments

Comment

The application has been assessed against the clearing principles, planning instruments and other matter in accordance with s510 of the Environmental Protection Act 1986 has found:

Principle (f) is at variance

Principles (a), (b), (c), (d), (e), (h) & (i) may be at variance

Principles (g) & (j) are not likely to be at variance

5. References

Commonwealth of Australia (2001) National Targets and Objectives for Biodiversity Conservation 2001-2005, AGPS, Canberra.

DEC (2007) DEC Fauna Habitat Notes.xls. February 2007. Department of Environment and Conservation, Western Australia.

DEC (2009) South Coast Advice. Department of Environment and Conservation Trim Ref DOC79236

DoW (2009) South Coast Region, Advice Trim Ref: DOC81045

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

SAT (2008) Erujin Pty Ltd v Western Australian Planning Commission, Matter No. DR/220 of 2008, State Administration Tribunal, Western Australia. Trim Ref: DOC76742.

Shepherd, D.P. (2007). Adapted from: 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. Includes subsequent updates for 2006 from Vegetation Extent dataset ANZWA1050000124.

6. Glossary

Term	Meaning
BCS	Biodiversity Coordination Section of DEC
CALM	Department of Conservation and Land Management (now BCS)
DAFWA	Department of Agriculture and Food
DEC	Department of Environment and Conservation
DEP	Department of Environmental Protection (now DEC)
DoE	Department of Environment
DoIR	Department of Industry and Resources
DRF	Declared Rare Flora
EPP	Environmental Protection Policy
GIS	Geographical Information System
ha	Hectare (10,000 square metres)
TEC	Threatened Ecological Community
WRC	Water and Rivers Commission (now DEC)