



1. Application details

1.1. Permit application details

Permit application No.: 3393/1
Permit type: Area Permit

1.2. Proponent details

Proponent's name: NEWMAC HOLDINGS PTY LTD

1.3. Property details

Property: LOT 2294 ON PLAN 209720 (MAGENTA 6355)
Local Government Area:
Colloquial name: Roe Location Number 2294, Magenta Road, MAGENTA

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
3.3		Mechanical Removal	Drainage

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
Beard vegetation associations: 511 - Medium woodland; salmon gum and morel 519 - Shrublands; mallee scrub, Eucalyptus eremophila (Shepherd 2007)	The application is to clear 3.3ha of native vegetation in a linear strip for installation of saltwater drainage. The area under application contains mostly saltbush and samphire, with mallees in the eastern section of the area (DEC 2009), and as such is not considered representative of the mapped vegetation associations. Therefore, the vegetation is considered to be in good (Keighery 1994) condition, with very little weed intrusion but impacts of increased salinisation.	Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery 1994)	The vegetation description and condition was determined from aerial photography, regional advice (DEC 2009) and Department of Agriculture and Food WA advice (DAFWA 2009).

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 is not likely to be at variance to this Principle

The application is to clear 3.3ha of native vegetation in a 10-15m wide, 2km long, linear strip for the installation of salt water drainage (DAFWA 2009). The vegetation proposed for clearing consists mainly of saltbush and samphire, with some remnant mallee trees in the eastern portion of the application area (DEC 2009), and is considered to be in good (Keighery 1994) condition. The vegetation is mapped as Beard vegetation associations 511 (Medium woodland; salmon gum and morel), and 519 (Shrublands; mallee scrub, Eucalyptus eremophila), however the vegetation under application is not considered to be representative of these associations. The proposed clearing includes an area within a conservation covenant. The vegetation within the covenanted area comprises samphire and dead eucalypts (DAFWA 2009).

Three priority fauna species have been recorded within the local area (15km radius), however as the vegetation under application consists predominantly saltbush, samphire and dead eucalypts, it is not considered to contain significant habitat for fauna (DEC 2009).

Of the 22 priority flora species recorded within the local area, one has habitat requirements similar to the vegetation under application (lake edges (DEC 2009a)) and as such may be present within the application area. However, given the distribution and numbers present of this taxon, the clearing of 3.3ha of vegetation as proposed is not likely to significantly affect its conservation status (DEC 2009a).

Therefore, the vegetation under application is not considered to comprise a high level of biological diversity, and the clearing as proposed is not likely to be at variance to this principle.

Methodology DEC (2009)
DEC (2009a)
DAFWA (2009)
Keighery (1994)

GIS database:

- DEC Tenure - CALM 01/06/05
- SAC Biodatasets - accessed 11 Nov 09
- Declared Rare and Priority Flora List - CALM 13/08/03
- Pre European Vegetation - DA 01/01
- Clearing Regulations, Environmentally Sensitive Areas 30 May 2005
- NLWRA, Current Extent of Native Vegetation 20 Jan 2001

(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 is not likely to be at variance to this Principle**

Two rare fauna species have been recorded within the local area (15km radius) of the vegetation under application, being *Leipoa ocellate* (Malleefowl) and *Calyptorhynchus latirostris* (Carnaby's black-cockatoo). However, the vegetation to be cleared is 3.3ha of predominantly salt bush and samphire along a linear strip and is not likely to be providing significantly habitat for these species.

The clearing as proposed is therefore not likely to be at variance to this principle.

Methodology GIS database:
- SAC Biodatasets - accessed 11 Nov 09
- Hydrography linear - DOW 13/7/06
- Hydrography linear (hierarchy) - DoW 13/7/06

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

Comments **Proposal is not likely to be at variance to this Principle**

Six rare flora species have been recorded within the local area (15km radius) of the vegetation under application. However, the vegetation proposed for clearing is located within saline affected areas (DAFWA 2009), and none of the rare species in the area are known to inhabit saline soils. Additionally, the vegetation under application consists predominantly salt bush, samphire and dead eucalypts (DAFWA 2009). It is not considered likely the vegetation under application supports rare flora (DEC 2009), and the proposed clearing of 3.3ha is therefore not likely to be at variance to this principle.

Methodology DEC (2009)
DAFWA (2009)

GIS database:

- Pre European Vegetation - DA 01/01
- SAC Biodatasets - accessed 11 Nov 09
- Soils, Statewide DA 11/99

(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 is not likely to be at variance to this Principle**

There are no records of threatened or priority ecological communities (TEC or PEC) occurring within 15km radius of the application. The vegetation under application is therefore not likely to comprise or be necessary for the maintenance of TEC or PEC, and as such the clearing as proposed is not likely to be at variance to this principle.

Methodology GIS Database:
- SAC Biodatasets - accessed 11 Nov 09
- Pre European Vegetation - DA 01/01
- 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 local area (15m radius) is highly cleared, with aerial imagery suggesting approximately 25% native vegetation remains. The vegetation under application is mapped as comprising two Beard vegetation associations, 511 has approximately 33.54% and 519 has approximately 57.63% of its pre-clearing extent remaining within the Mallee bioregion (Shepherd 2007).

The area under application falls within the boundaries of EPA Position Statement No. 2 'Environmental Protection of Native Vegetation in Western Australia - Clearing of Native Vegetation, with particular reference to the agricultural area'. This Position Statement has a general presumption against clearing within this area for agricultural purposes (EPA, 2000). The proposal is for the creation of a drainage way to aid in agricultural activities on the property.

Although the vegetation to be cleared is a small area (3.3ha), the vegetation within the conservation covenant is considered to be significant, and as such the proposal may be at variance to this principle.

**Methodology EPA (2000)
Shepherd (2007)**

GIS Databases:

- Interim Biogeographic Regionalisation of Australia - EA 18/10/00
- Local Government Authorities - DLI 8/07/04
- Pre European Vegetation - DA 01/01
- SAC Biodatasets - accessed 11 Nov 09
- NLWRA, Current Extent of Native Vegetation 20 Jan 2001

(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

The vegetation under application intersects two minor non-perennial watercourses, including one which runs the length of the application area, and the purpose for clearing is to install drainage.

The vegetation under application comprises a significant portion of the vegetation associated with one of the minor non-perennial watercourses. Removal of this vegetation would significantly alter the characteristics of this watercourse.

The proposed clearing will therefore include vegetation growing in or in association with a watercourse, and is therefore at variance to this principle.

Methodology GIS Databases:

- ANCA wetlands - Environment Australia 26/3/99
- DEC Tenure- CALM 01/06/05
- EPP Lakes Policy Area - DEP 14/05/97
- EPP, Wetlands 2004 (DRAFT) - EPA 21/7/04
- Clearing Regulations, Environmentally Sensitive Areas 30 May 2005
- Hydrography linear - DOW 13/7/06
- Hydrography linear (hierarchy) - DoW 13/7/06

(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

The clearing 3.3 ha within a 10-15km wide, 2km long, strip of native vegetation comprising mostly of saltbush and samphire is not likely to increase the risk of salinity, erosion or waterlogging (DAFWA 2009). The clearing as proposed is therefore not likely to be at variance to this principle.

Methodology DAFWA (2009)

GIS database:

- Average Annual Rainfall Isohyets - WRC 29/09/98
- Annual Evaporation Contours (Isopleths) - WRC 29/09/98
- Hydrogeology, statewide DOW 13/07/06
- Hydrographic catchments, catchments - DoW 01/06/07
- Hydrographic catchments, subcatchments - DoW 01/06/07
- Hydrography, linear - DOW 13/7/06

- Salinity Risk LM 25m - DOLA 00
- Soils, Statewide DA 11/99
- Topographic contours statewide - DOLA and ARMY 12/09/02
- Hydrogeology, Statewide 05 Feb 2002

(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 is at variance to this Principle

The application area lies 2.5km north east of the Lake Magenta Nature Reserve. Given its size and location in the landscape, the 3.3 ha of vegetation under application is not likely to be providing significant ecological linkage to surrounding vegetation remnants. However, part of the area under application occurs within a Soil and Land Conservation Act 1945 conservation covenant. Therefore, the proposed clearing is at variance to this principle.

Methodology GIS Databases:

- DEC Tenure - DEC Sept 08
- Hydrography, linear - DOW 13/7/06
- Register of National Estate - Environment Australia, Australian and world heritage division 12 Mar 02

(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 is not likely to be at variance to this Principle

The area under application lies within the Magenta Internal Catchment, and the Salt-Lake Basin. The application intersects two minor non-perennial watercourses, one of which runs the length of the application area, and the purpose is to install saltwater drainage. The whole area under application is located in a saline affected area, however the risk of salinity is unlikely to significantly increase with the clearing of a strip of native vegetation as proposed (DAFWA 2009).

The clearing as proposed is therefore not likely to be at variance to this principle.

Methodology DAFWA (2009)

GIS database:

- Groundwater Salinity Statewide DoW 13/07/06
- Hydrographic catchments, catchments - DoW 01/06/07
- Hydrography, linear - DOW 13/7/06
- Mean Annual Rainfall Isohytes (1975 - 2003) - DEC 02/08/05
- Salinity Risk LM 25m - DOLA 00
- 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

The annual rainfall for the area is mapped as 400mm. The vegetation proposed for clearing is 3.3ha of predominantly saltbush and samphire in a linear strip along a watercourse. The clearing as proposed is not likely to cause an increase in the incidence or intensity of flooding (DAFWA 2009). The clearing is therefore not likely to be at variance to this principle.

Methodology DAFWA (2009)

GIS database:

- Hydrographic catchments, catchments - 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

There are concerns that the drainage of saline water to reduce waterlogging will impact on vegetation within the covenanted area, resulting in further clearing. Additionally, the capacity of the wetlands proposed as a discharge point is unknown, and the amount and frequency of discharge down stream may have flow on affects to high conservation value wetlands (DEC 2009b). The capacity of Drain 2 (the drain that would terminate at the small lake to the south) is questionable (DAFWA, 2009), further information is required to determine the appropriateness of this lake as a discharge point.

A Notice of Intent to Drain is required from the Department of Agriculture and Food WA. This has been applied for and subsequently objected to by the Commissioner for Soil and Land Conservation.

The area proposed to be cleared falls within the boundaries identified under EPA Position Statement No. 2 'Environmental Protection of native vegetation in Western Australia - Clearing of native vegetation, with particular reference to the agricultural area'. This position statement has a general presumption against clearing within this area for agricultural purposes (EPA, 2000). The proposal is for the creation of a drainage way to aid in agricultural activities on the property.

In exceptional circumstances the EPA would consider supporting clearing for agriculture within this region if:

- (a) There are alternative mechanisms for protecting biodiversity.

- (b) The area to be cleared is relatively small, depending on the scale at which biodiversity changes over the area, including extent of vegetation in the surrounding area and recognising that values will vary for different ecosystems.

- (c) The proponent demonstrates that the elements set out in Section 4.3 of this Position Statement are being met. This will require extensive local and regional biodiversity work.

- (d) Land degradation, including aquatic environments and threatening processes, such as dieback, salinisation or disruption of catchment processes, on-site and off-site would not be exacerbated.

The proposal is not consistent with the above criteria in its current format as no alternative mechanisms for protecting biodiversity have been proposed and the proposal may result in detrimental off-site impacts.

Part of the vegetation under application is within a Conservation Covenant under the Soil and Land Conservation Act 1945. Section 51D of the Environmental Protection Act 1986 prohibits the granting of a clearing permit on land subject to a conservation covenant.

Methodology DAFWA (2009)
DEC (2009b)
EPA (2000)

4. Assessor's comments

Comment

The application has been assessed against the clearing principles, planning instruments and other matters in accordance with s51O of the Environmental Protection Act 1986, and the proposed clearing is at variance to Principles (e), (f) and (h) and is not likely to be at variance to the remaining clearing Principles.

5. References

- DAFWA (2009) Land Degradation Advice and Assessment Report for clearing permit application CPS 3393/1. Received 11/12/2009. Office of the Commissioner of Soil and Land Conservation, Department of Agriculture and Food Western Australia (TRIM Ref. DOC110947).
- DEC (2009) Wheatbelt Regional Advice. Department of Environment and Conservation Trim Ref DOC110683.
- DEC (2009a) FloraBase: Flora Species Profiles. Department of Environment and Conservation. URL: <http://florabase.dec.wa.gov.au/>
- DEC (2009b) Wheatbelt Region Hydrologist Advice, Department of Environment and Conservation Trim Ref DOC112226.
- EPA (2000) Environmental protection of native vegetation in Western Australia. Clearing of native vegetation, with particular reference to the agricultural area. Position Statement No. 2. December 2000. Environmental Protection Authority, Western Australia.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- 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 (now DEC)
DMP	Department of Mines and Petroleum (ex DoIR)
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)