



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: 3695/1
File Number: DEC13522
Duration of Permit: From 17 July 2010 to 17 July 2012

PERMIT HOLDER

Newmac Holdings Pty Ltd

LAND ON WHICH CLEARING IS TO BE DONE

LOT 2294 ON PLAN 209720 (MAGENTA 6355)

AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 2.7 hectares of native vegetation within the area hatched yellow on attached Plan 3695/1.

CONDITIONS

Nil.

A handwritten signature in blue ink that reads "Keith Claymore".

Keith Claymore
A/ ASSISTANT DIRECTOR
NATURE CONSERVATION DIVISION

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

17 June 2010

Plan 3695/1



LEGEND

Clearing Instruments

- Areas Approved to Clear
 - Road Centrelines
 - Cadastre
- Newdegate 1.4m Orthomosaic
- Landgate 2004



0 500 m

Scale 1:17310
(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

Karl Claymore Date *17/6/10*
K Claymore

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

Information derived from this map should be confirmed with the data custodian acknowledged by the agency acronym in the legend.



Department of Environment and Conservation

Our environment, our future
WA Crown Copyright 2002



1. Application details

1.1. Permit application details

Permit application No.: 3695/1
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:

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
2.7		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 mapped as occurring within the applied area: - 511: Medium woodland; salmon gum and morel - 519: Shrublands; mallee scrub, Eucalyptus eremophila (Shepherd 2007)	The application is to clear 2.7ha 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 via aerial photography, regional advice (DEC 2009) and advice from the Commissioner of Soil and Land Conservation (2009a).

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 2.7ha of native vegetation in a ~15m wide, 1.8km long, linear strip for the installation of salt water drainage. 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.

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 2.7ha 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** References:
DEC (2009)
DEC (2009a)
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 2.7ha 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 (Commissioner of Soil and Land Conservation, 2009a), and none of the rare species in the area are known to inhabit saline soils. Additionally, the vegetation under application consists predominantly of salt bush, samphire and dead eucalypts (Commissioner of Soil and Land Conservation, 2009a). It is not considered likely the vegetation under application supports rare flora (DEC 2009), and the proposed clearing of 2.7ha is therefore not likely to be at variance to this principle.

- Methodology** References:
DEC (2009)
Commissioner of Soil and Land Conservation (2009a)
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 known records of threatened or priority ecological communities (TEC or PEC) occurring within 15km radius (local area) 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 is not likely to be at variance to this Principle

The local area (15m radius) is highly cleared, with aerial imagery suggesting approximately 25% of 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), however the vegetation under application is not considered to be representative of these associations.

Given the above, the vegetation to be cleared, the vegetation under application is considered unlikely to be a significant remnant in a highly cleared area and is therefore not likely to be at variance to this principle.

Methodology References:

Commonwealth of Australia (2001)

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, as the purpose for the proposed 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 does include vegetation growing in or in association with a watercourse and is therefore at variance to this principle. However it is likely that the clearing for the purpose of installing drainage will reduce waterlogging on site and may improve the prospects for native vegetation (Commissioner of Soil and Land Conservation, 2009a).

Methodology References:

Commissioner of Soil and Land Conservation (2009a)

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 2.7 ha within a ~15m wide, 1.8km long, strip of native vegetation comprising mostly of saltbush and samphire is not likely to increase the risk of salinity, erosion or waterlogging (Commissioner of Soil and Land Conservation, 2009a). The clearing as proposed is therefore not likely to be at variance to this principle.

Methodology References:

Commissioner of Soil and Land Conservation (2009a)

GIS database:

- Average Annual Rainfall Isohyets - WRC 29/09/98
- Hydrogeology, statewide DOW 13/07/06
- Hydrographic catchments, catchments - DoW 01/06/07
- Hydrography, linear - DOW 13/7/06
- 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 is not likely to be 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 2.7 ha of vegetation under application is not likely to be providing significant ecological linkage to surrounding vegetation remnants.

A field investigation by DEC indicated that the proposed drainage works present a low risk to both Lockhart and Lake Magenta Nature reserve (DEC, 2010)

Therefore the proposed clearing is not likely to be at variance to this principle.

Methodology References:

Commissioner of Soil and Land Conservation (2010)

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 (Commissioner of Soil and Land Conservation, 2009a).

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

Methodology References:

Commissioner of Soil and Land Conservation (2009a)

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 2.7ha 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 (Commissioner of Soil and Land Conservation, 2009a). The clearing is therefore not likely to be at variance to this principle.

Methodology References:

Commissioner of Soil and Land Conservation (2009a)

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

The area under application falls within EPA Position Statement No.2 agricultural area, which 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:

- There are alternative mechanisms for protecting biodiversity.

- 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.

- 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.
- 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.

As a result of consideration of the clearing proposed against the above mentioned principles, a clearing permit is granted.

The applicant has advised that once the drainage system is in place an extensive tree planting program of at least 5ha of native vegetation will be undertaken to further reduce potential impacts to the nearby lakes (DEC Ref: A297449).

The area currently under application was previously refused (CPS3393/1) as the application included an area which was a conservation covenant area.

The current application (CPS 3695/1) has had the conservation covenanted area removed. The water is to be delivered to the base of the lake, located west of the covenanted area, via a 50mm pipe laid on top of the ground to minimise disturbance to native vegetation within the covenanted area. The Commissioner of Soil and Land Conservation received updated information from DEC stating that investigations by their field officers indicate that the proposed works present a low risk to both Lockhart and Lake Magenta Nature reserve. Both the DEC and the Commissioner now have no objection to the NOID (Commissioner of Soil and Land Conservation, 2010).

The proposed works is not likely to affect native vegetation at the end point of the drainage line and any damage to native vegetation from drainage water is likely to be overwhelmed by landscape-scale events (DEC, 2010).

Methodology References:
EPA (2000)
Commissioner of Soil and Land Conservation (2009b)
Commissioner of Soil and Land Conservation (2010)
DEC (2009b)

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 has been found to be:

- at variance to principle (f); and
- is not likely to be at variance to any of the remaining clearing principles

4. References

Commissioner of Soil and Land Conservation Land Degradation Advice (2009b). Department of Agriculture and Food Western Australia. Received 22/12/2009. TRIM Ref DOC112889.

Commissioner of Soil and Land Conservation Land Degradation Assessment Report (2009a). Department of Agriculture and Food Western Australia. Received 11/12/2009. TRIM Ref DOC110947.

Commissioner of Soil and Land Conservation, Land Degradation Advice (2010). Department of Agriculture and Food Western Australia. Received 15/4/2010. Dec Ref A298296.

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.

DEC (2010) Hydrology advice for land clearing application. Advice to Assessing Officer, Native Vegetation Assessment Branch, received 16/06/2010. Department of Environment and Conservation, Western Australia (DEC ref: A311016).

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.

5. Glossary

Term	Meaning
CALM	Department of Conservation and Land Management (now DEC)
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)
DoW	Department of Water
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)