



## CLEARING PERMIT

*Granted under section 51E of the Environmental Protection Act 1986*

### PERMIT DETAILS

Area Permit Number: 3971/1

File Number: DEC2010/007259

Duration of Permit: From 21 November 2010 to 21 November 2012

### PERMIT HOLDER

Shire of Esperance

### LAND ON WHICH CLEARING IS TO BE DONE

ROAD RESERVE (MURRAY ROAD (PIN: 1647608), DALYUP 6450)

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### AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 3.24 hectares of native vegetation, within the hatched yellow on attached Plan 3971/1.

### CONDITIONS

#### 1. Avoid, minimise etc clearing

In determining the amount of native vegetation to be cleared authorised under this Permit, the Permit Holder must have regard to the following principles, set out in 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.

#### 2. Dieback and Weed control

- (a) When undertaking any clearing or other activity authorised under this Permit, the Permit Holder must take the following steps to minimise the risk of the introduction and spread of *weeds* and *dieback*:
  - (i) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
  - (ii) shall only move soils in *dry conditions*;
  - (iii) ensure that no *dieback* or *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared; and
  - (iv) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.
- (b) At least once in each 12 month period for the term of this Permit, the Permit Holder must remove or kill any *weeds* growing within areas cleared under this Permit.
- (c) Prior to leaving the area(s) cross-hatched yellow on attached Plan 3971/1, the Permit Holder must clean earth-moving machinery of soil and vegetation.

### 3. Records must be kept

The Permit Holder must maintain the following records for activities done pursuant to this Permit, in relation to the clearing of native vegetation authorised under this Permit:

- (a) the location where the clearing occurred, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings;
- (b) the date that the area was cleared; and the size of the area cleared (in hectares).

### 4. Reporting

- (a) The Permit Holder must provide to the CEO, on or before 30 June of each year, a written report of records required under condition 3 of this Permit and activities done by the Permit Holder under this Permit between 1 January and 31 December of the preceding year.
- (b) Prior to 21 August 2012, the Permit Holder must provide to the CEO a written report of records required under condition 3 of this Permit where these records have not already been provided under condition 4(a) of this Permit.

### Definitions

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

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

*dry conditions* means when soils (not dust) do not freely adhere to rubber tyres, tracks, vehicle chassis or wheel arches;

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

*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;

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



Kelly Faulkner  
MANAGER  
NATIVE VEGETATION CONSERVATION BRANCH

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

21 October 2010

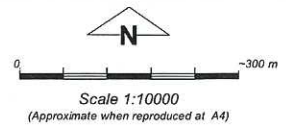


# Plan 3971/1



## LEGEND

-  Road Centrelines
-  Local Government Authorities
- Clearing Instruments**
-  Areas Applied to Clear (cont)
-  Areas Subject to Conditions
-  Areas Approved to Clear
- Esperance Causeway 50cm Orthomosaic - Landgate 2007**



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

*K Faulkner* Date 21/10/10

K Faulkner  
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.





## 1. Application details

### 1.1. Permit application details

Permit application No.: 3971/1  
Permit type: Area Permit

### 1.2. Proponent details

Proponent's name: Shire of Esperance

### 1.3. Property details

Property: ROAD RESERVE ( DALYUP 6450)  
ROAD RESERVE ( DALYUP 6450)

Local Government Area:

Colloquial name: Murray Road Reserve, Dalyup

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
3.24		Mechanical Removal	Road construction or 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
Shepherd (2009) describes vegetation association 7048 as Shrublands; banksia scrub-heath on coastal plain in the Esperance Plains Region, and vegetation association 42 as Shrublands; mallee & acacia scrub on south coastal dunes.	Vegetation appears to be in an 'excellent' to 'very good' condition. Part of the vegetation is in an association with a wetland.	Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery 1994)	Vegetation assessed using aerial photos

## 3. Assessment of application against clearing principles

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

The proposed clearing of 3.24ha of native vegetation is for the purpose of road reconstruction. The clearing is to occur on Murray Road Reserve within the Shire of Esperance.

Within the local area (10km radius) there were 2 fauna species of conservation significance recorded. The closest record was the Hooded Plover (*Charadrius rubricollis*), which was located 4km in the ANCA wetland north west of the application area. Carnaby's Black Cockatoo (*Calyptorhynchus latirostris*) was also found 10km north east of the application area. The proximity to the Lake Gore system and the quality of the habitat (and abundant presence of aquatic invertebrates observed) would suggest the impacted wetland will be used by several migratory bird species found within the Ramsar site and surrounding wetlands (DEC 2010).

There were two records of Declared Rare Flora within the local area; however both species were found over 7km from the application area. In addition to this, 2 priority listed flora species were located within the local area.

The Murray Road reserve traverses a section of wetland (a perennial swamp). DoW (2010) believe it is likely that this wetland is hydrologically connected to the adjacent Ramsar wetland, however DEC is of the opinion that this wetland does not have a surface flow to the nearby Lake Gore which is located 1.8km west of the application area. It flows east to Mainberrup Swamp/Lake Nambarup/Lake Mortjinup wetland system. The proposed new road will cut off the south west corner of this wetland (and water flow) from the larger water body to the east. However water flow conductivity can be retained by the installation of a number of suitably sized culverts. It is envisaged that the wetlands integrity would not be altered by the proposed clearing if the hydrological connectivity is not disrupted.

A section of vegetation under application is considered to be growing in association with a watercourse and is therefore considered to be at variance with principle (f). The removal of riparian vegetation will impact upon the wetland and Department of Water have advised DEC that they do not support the clearing of riparian vegetation



and the subsequent road construction that will impact upon the wetland in the clearing application (DoW 2010). However, the clearing of 3.24ha of 'very good' (Keighery 1994) condition vegetation as proposed, is not likely to impact water tables and adversely affect riparian vegetation.

Dieback control conditions will reduce the potential impacts for Phytophthora spreading throughout the local area.

Given the relatively small scale and the linear nature of the proposed clearing (3.24ha) and the disturbance from the current track), the proposed clearing is not likely to significantly impact any biodiversity or environmental values, or cause any appreciable land degradation within the local or regional context.

Therefore, the proposed clearing is considered to be at variance to principle (f), and not likely to be at variance to any of the remaining clearing principles.

- Methodology**    **References**  
Keighery (1994)  
DoW (2010)  
GIS Databases:  
-SAC Biodatasets - accessed September 10  
- Hydrography linear  
- Esperance Causeway 50cm Orthomosaic- Landgate 2007  
- DEC Tenure

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

#### **Comments**

DoW recommends that all activities to be undertaken in adherence to DoW guidelines, Water Quality protection note #44 - Roads near sensitive water resources. In particular with reference to maintaining the existing hydrological regime (connection to the adjacent Mainbenup Swamp to the east) and not to interfere with the movement of aquatic fauna. Applicant will be advised.

Application falls within the EPA Position Statement No.2., this applies to clearing for the purpose of agriculture and therefore has not been considered for the road construction

The southern section of the application area falls within the groundwater 'Esperance' area covered by the Rights in Water and Irrigation Act 1914.

- Methodology**    Town Planning Scheme Zone: Rural, Parks and Recreation and designated road reserve  
GIS Databases:  
-EPA Position paper No 2 Agricultural Region  
-RIWI Act, Surface Water Areas  
-Town Planning Scheme Zones

## **4. References**

- DoW (2010) Advice regarding CPS 3971/1, from the Department of Water (DEC Ref: A338612)  
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. (2009) 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
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)