



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Purpose Permit Number: 4366/1
File Number: 2011/004516
Duration of Permit: 19 September 2011 to 19 September 2013

PERMIT HOLDER

Wayne Colin Wright

LAND ON WHICH CLEARING IS TO BE DONE

LOT 22 ON DIAGRAM 76077 (MUCHEA 6501)

PURPOSE FOR WHICH THE CLEARING MAY BE DONE

Clearing for the purpose of sand extraction.

CONDITIONS

1. Purpose for which clearing may be done

The Permit Holder must not clear more than 45 native trees within the area cross hatched yellow on attached Plan 4366/1.

2. Dieback and weed control

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*:

- a) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- b) shall only move soils in *dry conditions*;
- c) ensure that no *dieback* or *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared; and
- d) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

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;

weeds 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*.

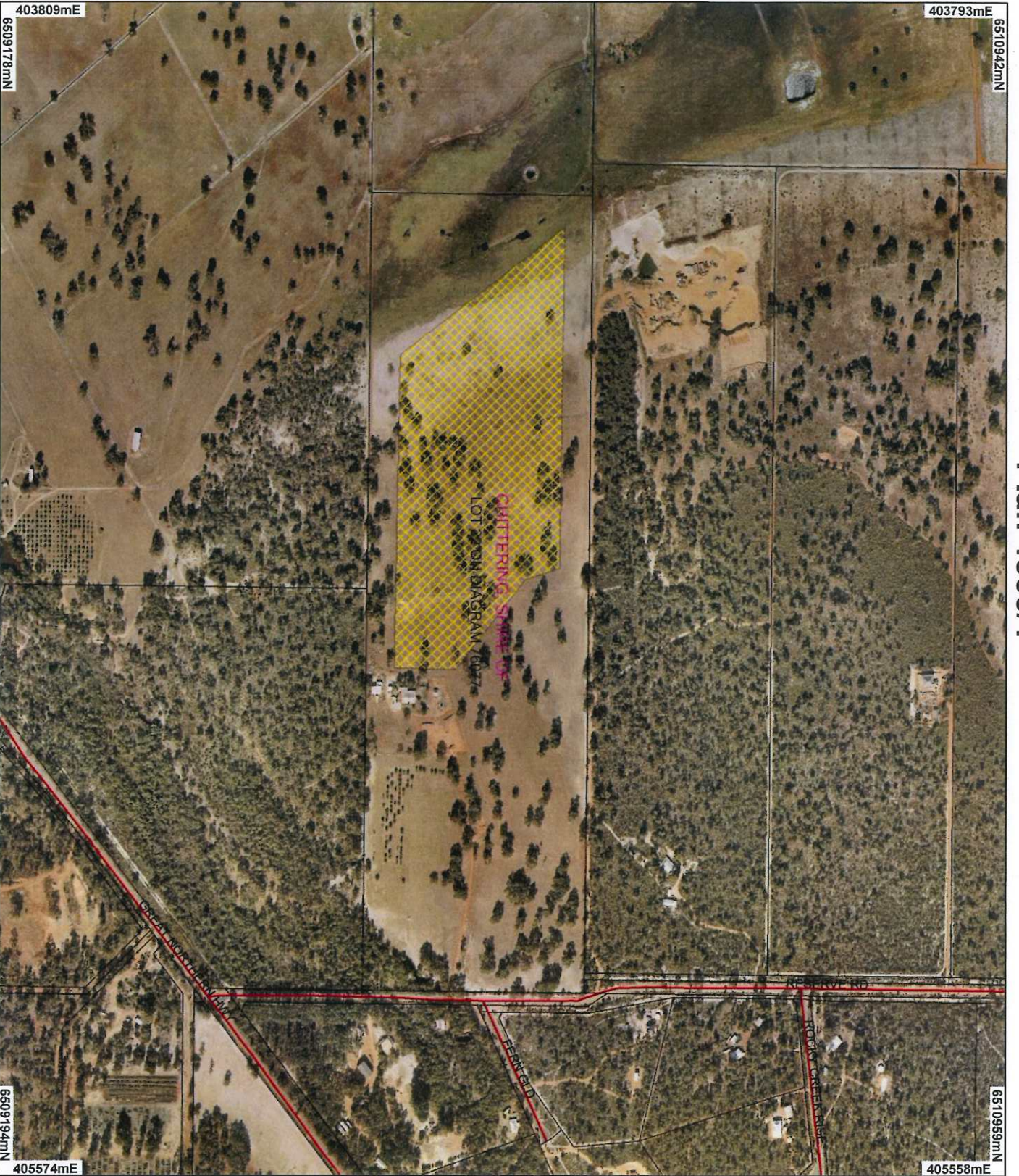
A handwritten signature in black ink, appearing to be "KF", written over a horizontal line.

Kelly Faulkner
MANAGER
NATIVE VEGETATION CONSERVATION BRANCH

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

25 August 2011

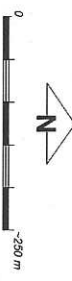
Plan 4366/1



LEGEND

- Road Centrelines
 - Cadastre for labelling
 - Local Government Authorities
 - Cadastre
 - Clearing Instruments
 - Areas Approved to Clear
- Swan Coastal Plain North 20cm
Orthomosaic - Landgate 2009

* Project Data is denoted by asterisk.
This data has not been quality assured.
Please contact map author for details.



Geocentric Datum Australia 1994
Note: Jive data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

K. Faulkner
K. Faulkner Date 25/6/11

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.: 4366/1

Permit type: Area Permit

1.2. Proponent details

Proponent's name: Mr Wayne Wright

1.3. Property details

Property: LOT 22 ON DIAGRAM 76077 (House No. 41 RESERVE MUCHEA 6501)

LOT 22 ON DIAGRAM 76077 (House No. 41 RESERVE MUCHEA 6501)

Local Government Area: Shire of Chittering

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
	45	Mechanical Removal	Extractive Industry

1.5. Decision on application

Decision on Permit Application: Grant

Decision Date: 25 August 2011

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 Association: Pinjarra 4- medium woodland jarrah, marri and wandoo. (Shepherd, 2009)	The vegetation proposed to be cleared consists of approximately 45 trees (jarrah and blackbutt) and no undergrowth. The vegetation has been assessed as completely degraded (DEC, 2011).	Completely Degraded: No longer intact; completely/almost completely without native species (Keighery 1994)	The description and condition of the vegetation was determined from a DEC site visit (DEC, 2011).
Hedde Vegetation Complexes: 65 Reagan Complex- low open woodland to closed heath (eastern 90% of proposal) and 31 Coonambigee Complex (western 10% of proposed clearing)- low open forest and low to open woodland (Hedde et al, 1980).			

3. Assessment of application against clearing principles

Comments

The application to clear up to 45 native trees with a 14.6ha footprint area for the purpose of sand extraction is unlikely to have any significant environmental impacts. The area under application consists of scattered mature paddock trees dominated by jarrah and blackbutt eucalypt species, over pasture (DEC, 2011). There is a complete lack of understorey species and this vegetation is considered to be in a completely degraded (Keighery, 1994) condition and unlikely to be representative of mapped vegetation communities.

There are three declared rare flora species and three threatened ecological communities recorded in the vicinity of the project (within 4km) however none occur in the area under application due to the lack of understorey (DEC, 2011).

A small flock of Australian Ring-necked parrots were observed in the area under application however this species is very common throughout the forests and open woodlands of the South West and unlikely to be affected by the proposed clearing.

No hollows were observed during a site inspection (DEC 2011), the proposed clearing is unlikely to comprise significant habitat for Carnaby's cockatoos that have been recorded within the local area. The area under application is not considered to be significant habitat for other conservation significant native fauna that have been recorded in the local area (10km), namely the Australasian Bittern, Peregrine Falcon, Black-striped Snake and Southern Brown Bandicoot.

The vegetation to be cleared is in an already extensively cleared area but is surrounded by large remnants of

dense native vegetation in the north and south, thus unlikely to be significant as a remnant of native vegetation and not likely to have a detrimental impact on the maintenance of habitat or movements of native fauna throughout the local area.

An unnamed Resource Enhancement wetland occurs within the northwest corner (covering approximately 700 square metres) of the application area however the area is completely degraded and unlikely to contain any environmental functions of a wetland.

Given the above the proposed clearing is not likely to be at variance to the clearing principles.

Methodology Keighery (1994)
DEC (2011)
DEC (2007-)

GIS Databases:

- Geomorphic wetlands (mgt categories), Swan Coastal Plain
- Rivers, statewide
- SAC Bio Datasets (Accessed 10/6/11)

Planning instruments, Native Title, Previous EPA decisions or other matters.

Comments

Lot 22 on Diagram 76077 is freehold land and is zoned Rural: General Farming, under the Shire of Chittering's Local Town Planning Scheme.

The applicant currently holds an excavation licence for the subject area (DEC REF A395841) for a period of five years from 11 September 2008 (Shire of Chittering, 2011c). The applicant also holds a current five year excavation licence for the neighbouring property (Lot 23 Reserve Rd, Muchea) and was granted a clearing permit to clear 3.7ha for the purpose of sand extraction on 5/1/07 which expired 4/4/08.

The applicant has been granted approval (on 27 July 2011) from Council to clear native vegetation and excavate within 500m of the house on Lot 22 Reserve Rd, Muchea (Shire of Chittering, 2011c) The applicant already has written permission from the owners of this property for these activities. The Shire notes there are some environmental concerns subject to the clearing on Lot 22 and "Condition M" of the Planning approval granted requires a Flora and Fauna report to be provided to Council prior to clearing (Shire of Chittering, 2011b).

A submission (Submission, 2011) from the Chittering Landcare Group was received. The submission raised five issues that included extraction license issues, environmental issues of fragmentation of the remnant vegetation and the location of Lot 22 within the 'Landscape Protect' zone of the Shire of Chittering's town planning scheme 6. These issues were considered as part of the assessment and the five issues are addressed below.

1. The property has remnant trees from the Coonabidgee vegetation complex to the east and remnants of Yanga vegetation complex to the west. A high value conservation area and a Shire of Chittering conservation reserve are adjacent to the south of the proposed clearing and remnant vegetation has been retained on the properties to the north along the scarp.

The area is completely degraded consisting of scattered paddock trees over pasture with no understorey. Given the vegetation is in such a degraded condition it is unlikely to be representative of the mapped vegetation complexes. Crown Reserve 209, managed by the Shire of Chittering for the purpose of Landscape Protection borders the southeast of Lot 22 and covers an area of 38ha. A 50m buffer is in place around the border of Lot 22 as per condition 7 of the Shire of Chittering's Extractive Licence. Weed and dieback management will assist in mitigating the potential environmental impacts on this adjacent conservation reserve.

2. On making enquiries to the Shire of Chittering, Mr Wright and Mr Davis do not have a licence to excavate sand and/or gravel from this property as stated in Form C1 submitted by them. The property is not in a designated Basic Raw Materials zone. As such, they cannot clear the paddock trees for this purpose.

The Western Australian Planning Commission (WAPC)'s Statement of Planning Policy 2.4 does not identify the proposal area within a basic raw materials zone (WAPC, 2000). However the Shire of Chittering has provided a copy of Mr Wright's excavation licence under the Local Government Act 1960 for the purpose of sand extraction on Lot 22 Reserve Road, Muchea. It is valid for 5 years from 11 September 2008 (Shire of Chittering, 2011a).

3. The area and number of trees nominated on the map to be cleared is quite extensive and the eastern section of the area to be cleared falls within a vegetation linkage as indicated in the Shire of Chittering's Biodiversity Strategy. While the area is already degraded, paddock trees are still very important to maintain this linkage.

It is acknowledged that the proposal area occurs within a local vegetation linkage in the Shire of Chittering's Biodiversity Strategy (Shire of Chittering, 2010). In consultation with the Shire of Chittering DEC requested the application be amended in line with the approved extraction area issued by the Shire. Subsequently the applicant amended the application and the eastern section was removed from the application area to conform with the 500m buffer zone, as stipulated in condition 7 on the Extractive Licence, on 13 June 2011 (DEC REF A404867).

4. The area nominated for clearing is on the Gingin Scarp and is entirely within the Landscape Protect zone of the Shire of Chittering's Town Planning Scheme 6. Any further clearing should not occur in this area.

It is acknowledged that the proposal area occurs within the Shire's Landscape Projection Special Control Area however it is noted that the Shire of Chittering has provided approval for sand excavation within the area under application (Shire of Chittering, 2011a).

5. Mr Wright excavates sand from the neighbouring property, Lot 23, for which he obtained a clearing permit. This sand pit is not as extensive as the one he apparently wishes to apply for on Lot 22. If he obtains an excavation licence and a permit to clear is granted, then the area of clearing needs be reduced to the area west of 404505mE.

In consultation with the Shire of Chittering and the applicant, the original application area of 22.25ha has been reduced to 45 trees within a footprint area of 14.6ha to conform with the Shire's 500m buffer zone from the house on the neighbouring property, as stipulated in condition 7 on the Extractive Licence, on 13 June 2011 (DEC REF A404867).

The area under application occurs within the Gingin groundwater Area however DoW advised they have assessed the application and have no comments on the proposal (DoW, 2011).

Methodology DoW (2011)
Shire of Chittering (2010)
Shire of Chittering (2011a)
Shire of Chittering (2011b)
Shire of Chittering (2011c)
Submission (2011)
WAPC (2000)

GIS Databases:
-Town Planning Scheme
-DEC Tenure
-NLWRA current extent of remnant vegetation
-Cadastre

4. References

- DEC (2007 -) NatureMap: Mapping Western Australia's Biodiversity. Department of Environment and Conservation. URL: <http://naturemap.dec.wa.gov.au/>. Accessed 10/06/2011.
- DEC (2011) Site Inspection Report for Clearing Permit Application CPS 4366/1 Lot 22 Reserve Road, Muchea. Site inspection undertaken 13/06/2011. Department of Environment and Conservation, Western Australia (DEC REF: A404966).
- Department of Water (2011) RIWI Act Advice for clearing permit application CPS 4366/1 received 23/06/2011. Department of Water, Western Australia (DEC REF: A406594).
- Hedde, E. M., Loneragan, O. W., and Havel, J. J. (1980) Vegetation Complexes of the Darling System, Western Australia. In Department of Conservation and Environment, Atlas of Natural Resources, Darling System, 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. (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.
- Shire of Chittering (2010) Local Biodiversity Strategy. Shire of Chittering, Bindoon, Western Australia.
- Shire of Chittering (2011a) Advice for clearing application CPS 4366/1 received 13/06/2011. Shire of Chittering, Bindoon, Western Australia (DEC REF: A403152).
- Shire of Chittering (2011b) Advice for clearing application CPS 4366/1 received 26/07/2011. Shire of Chittering, Bindoon, Western Australia (DEC REF: A418193).
- Shire of Chittering (2011c) Response to Request for Variation to Excavation Buffer Distance Lot 22 reserve Road, Muchea, received 27/07/2011. Shire of Chittering, Bindoon, Western Australia (DEC REF: A421844).
- Submission (2011) Direct Interest Submission from Chittering Landcare Group, Muchea (DEC REF: A402105)
- Western Australian Planning Commission (2000) Statement of Planning Policy No. 2.4 Basic Raw Materials, Western Australian Planning Commission, Perth, WA.

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)