



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 5738/1
Permit type: Area Permit

1.2. Proponent details

Proponent's name: Erujin Pty Ltd

1.3. Property details

Property: LOT 50 ON PLAN 37908 (House No. 461 NANARUP 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:
11		Mechanical Removal	Grazing and Pasture
2		Mechanical Removal	Increasing the catchment of an existing dam

1.5. Decision on application

Decision on Permit Application: Refuse
Decision Date: 16 January 2014

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 mapped as Beard vegetation association 3 which is described as medium forest; jarrah-marri (Shepherd et al, 2001).	The application is to clear up to 13 hectares of native vegetation within Lot 50 on deposited plan 37908, Kalgan within the City of Albany, for the purposes of pasture, grazing and increasing the catchment of an existing dam.	Completely Degraded: No longer intact; completely/almost completely without native species (Keighery 1994)	The condition of the vegetation under application was determined via a site inspection (DEC, 2012) of the property by former Department of Environment and Conservation staff, and flora surveys conducted by Mattiske Consulting (Mattiske, 2013).
The Albany Regional Vegetation Survey (ARVS) has mapped the area under application as: Unit 10: Marri/Jarrah Forest/Peppermint Woodland, and Unit 12: Jarrah/Marri/Sheoak Laterite Forest (Sandiford and Barrett 2010).		To Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery 1994)	

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 at variance to this Principle

The application is to clear up to 13 hectares of native vegetation for the purposes of pasture, grazing and increasing the catchment of an existing dam.

The local area (10 kilometre radius) surrounding the application area retains approximately 20 percent vegetation. The mapped Beard vegetation type and IBRA bioregion retain above the recommended level of 30 percent (Government of Western Australia, 2013), however as the local area retains below this level the application falls within a highly cleared landscape.

Mattiske Consulting (2013) conducted a fauna survey of the application area during which Baudin's cockatoos were observed feeding within the survey area, evidence of forest red-tailed black-cockatoo feeding was recorded and individuals were observed near the application area and numerous calls consistent with Carnaby's cockatoos were heard. These species are all listed as rare or likely to become extinct under the Wildlife Conservation Act 1950 (WC Act) and vulnerable or endangered under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). Two potential nest hollows were recorded adjacent to the application area and one of these was chewed and worn, showing signs of recent use (Mattiske Consulting, 2013).

The fauna survey of the application area recorded western ringtail possum scats at various locations within lot 50. The majority of these scats were recorded within Eucalyptus forests and given the time of year that they were recorded, it is likely that the scats were from male individuals moving through the landscape (Mattiske Consulting, 2013). This species is listed as rare or likely to become extinct under the WC Act 1950 and as vulnerable under the EPBC Act 1999.

The application area has been highlighted as part of a macro habitat corridor defined in the Western Australian South Coast Macro Corridor Network (Department of Conservation and Land Management, 2006) and as it falls within a highly cleared landscape, the vegetation proposed to be cleared is likely to be significant for the movement of endemic fauna through the landscape.

Mattiske Consulting conducted spring flora surveys over the application area between 2009 and 2013 and did not identify any rare flora or vegetation consistent with a threatened or priority ecological community (Mattiske Consulting, 2013). A priority one flora species was recorded during the flora survey however all occurrence's fell outside of the application area.

The application area contains habitat for fauna of conservation significance, forms part of an ecological linkage and is located within an extensively cleared landscape, given this it is at variance to this clearing principle.

Methodology

References:

Government of Western Australia (2013)
Mattiske Consulting (2013)
Department of Conservation and Land Management (2006)

GIS Datasets:

- SacBiodataSets - accessed October 2013
- Albany townsite January 2011 mosaic

(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 at variance to this Principle

Numerous fauna species listed as rare or likely to become extinct under the Wildlife Conservation Act 1950 have been recorded in the local area (10 kilometre radius). These include *Calyptorhynchus banksii* subsp. *naso* (forest red-tailed black-cockatoo), *Calyptorhynchus baudinii* (Baudin's cockatoo), *Calyptorhynchus latirostris* (Carnaby's cockatoo), *Pseudocheirus occidentalis* (western ringtail possum), *Macrotis lagotis* (bilby), and *Setonix brachyurus* (quokka) (DPaW, 2007-).

Given the lack of a dense understorey the area under application is unlikely to provide significant habitat for ground dwelling fauna.

A confirmed Carnaby's cockatoo roost site has been mapped 10 kilometres south west of the application area and the area under application has been mapped as an unconfirmed feeding site for Carnaby's cockatoo. Areas mapped as unconfirmed feeding sites are areas of remnant vegetation in the Jarrah Forest IBRA Bioregion that may provide important feeding resources for Carnaby's cockatoo. These areas were mapped based on the presence of vegetation types that Carnaby's cockatoo show preference for when choosing a food source.

Mattiske Consulting (2013) conducted a fauna survey of the application area during which Baudin's cockatoos were observed feeding within the application area, evidence of forest red-tailed black-cockatoo feeding was recorded and individuals were observed near the application area and numerous calls consistent with Carnaby's cockatoo were heard. Two potential nest hollows were recorded adjacent to the application area and one of these was chewed and worn, showing signs of recent use. Given the time of year it is likely that the species utilising the hollow is the forest red-tailed black-cockatoo (Mattiske Consulting, 2013).

The Carnaby's cockatoo recovery plan (DEC, 2012) summarises habitat critical to the survival for Carnaby's cockatoos as:

- The eucalypt woodlands that provides nest hollows used for breeding, together with nearby vegetation that provides feeding, roosting and watering habitat that supports successful breeding;
- Woodland sites known to have supported breeding in the past and which could be used in the future, provided adequate nearby food and/or water resources are available or are re-established; and
- In the non-breeding season the vegetation that provides food resources as well as the sites for nearby watering and night roosting that enable the cockatoos to effectively utilise the available food resources.

The recovery plan also states, "Success in breeding is dependent on the quality and proximity of feeding habitat within 12 kilometre of nesting sites. Along with the trees that provide nest hollows, the protection, management and increase of this feeding habitat that supports the breeding of Carnaby's cockatoo is a critical requirement for the conservation of the species" (DEC, 2012).

As the application area falls adjacent to two potential nest sites, is within 10 kilometres of a third, has been observed to be feeding habitat and falls within 700 metres of a major watercourse, the application for fills all three habitat requirements deemed critical to Carnaby's cockatoo survival.

Stands of *Agonis flexuosa* have been identified within the application area, this species is synonymous with habitat for western ringtail possums. The fauna survey of the application area (Mattiske Consulting, 2013) recorded western ringtail possum scats at various locations within lot 50. The majority of these scats were recorded within *Eucalyptus* forests and given the time of year, it is likely that the scats were from male individuals moving through the landscape.

Approximately 0.5 hectares of vegetation mapped by Mattiske Consulting (2013) as *Agonis flexuosa* woodland is proposed to be removed. Given the distribution of the scats and limited clearing within the *Agonis flexuosa* woodland, the application is not likely to remove significant primary habitat for this species however, it may remove significant habitat for the dispersal of the species through the landscape. Removing the vegetation under application would remove vegetation linking two confirmed areas of western ringtail possum habitat present within lot 50.

The application area has been mapped within strategic zone B of the Western Australian South Coast Macro Corridor Network, and is surrounded by areas of strategic zone A (DEC, 2006). Zone A areas are defined as cells where large remnants (greater than 30 hectares) and protected areas create the most direct link between core habitat areas. Zone B cells were identified as having large areas (greater than 30 hectares) of woody vegetation and protected areas providing habitat linkages, but which did not create the most direct link between protected areas.

As the application area forms significant habitat for *Calyptorhynchus banksii* subsp. *naso* (forest red-tailed black-cockatoo), *Calyptorhynchus baudinii* (Baudin's cockatoo) and *Calyptorhynchus latirostris* (Carnaby's cockatoo), may form significant habitat for the dispersal of *Pseudocheirus occidentalis* (western ringtail possum) and has been classified as regionally significant for the movement of endemic fauna; the application is at variance to this clearing principle.

Methodology

References:

DEC (2006)
DEC (2012)
DPaW (2007-)
Government of Western Australia (2013)
Mattiske Consulting (2013)

GIS Datasets:

- Albany townsite January 2011 mosaic
- Carnaby Cockatoo breeding sites
- Carnaby Cockatoo feeding
- Hydrography linear
- SacBiodataSets - accessed October 2013

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

Comments

Proposal is not at variance to this Principle

Seven rare flora species have been recorded within the local area (10 kilometre radius).

Based on the known preferred habitat for these rare species, three had a potential to occur within the application area.

Mattiske Consulting conducted spring flora survey's over the application between 2009 and 2013 and did not identify any rare flora (Mattiske Consulting, 2013).

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

Methodology

Reference:

Mattiske Consulting (2013)

GIS Databases:

- SAC Biodatasets - accessed October 2013

(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 at variance to this Principle

Within the local area (10 kilometre radius) there are numerous occurrences of the Threatened Ecological Community (TEC), open low *Allocasuarina fraserina*, *Eucalyptus staeri* woodland. The closest TEC was recorded 4.8 kilometres north west of the application area. Some of the occurrences of this TEC occur on the same soil type as the application area as well as occurring within a similar vegetation type.

Given the condition of the vegetation and impacts from grazing cattle within the applied area, it is not likely that the vegetation under application is necessary for the maintenance of, or is representative of a TEC.

Mattiske Consulting conducted spring flora surveys over the application between 2009 and 2013 and did not identify vegetation consistent with a TEC (Mattiske Consulting, 2013).

Given the above, the application is not at variance to this principle.

Methodology Reference:
Mattiske Consulting (2013)

GIS Databases:
- SAC Biodatasets - accessed October 2013

(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 at variance to this Principle

The area under application is located within the Jarrah Forest Interim Biogeographic Regionalisation of Australia (IBRA) bioregion. This IBRA bioregion has approximately 54 percent of its pre-European vegetation extent remaining (Government of Western Australia, 2013).

The vegetation under application is mapped as Beard vegetation association 3 of which there is approximately 68 percent of its pre-European extent remaining within the Jarrah Forest bioregion (Government of Western Australia, 2013).

The area under application is located within the City of Albany, within which there is approximately 38 percent of pre-European extent remaining (Government of Western Australia, 2013).

The national objectives and targets for biodiversity conservation in Australia has a target to prevent clearance of ecological communities with an extent below 30 percent of that present pre-1750, below which species loss appears to accelerate exponentially at an ecosystem level (Commonwealth of Australia, 2001).

The local area (10 kilometre radius) is highly cleared with approximately 20 percent vegetation remaining.

The applicant is proposing to clear thirteen hectares of native vegetation for agricultural purposes. The vegetation is within the agricultural area defined in EPA Position Statement No. 2 which states that significant clearing of native vegetation has already occurred on agricultural land leading to a reduction in biodiversity and increase in land salinisation. Therefore any further reduction in native vegetation through clearing for agriculture cannot be supported (EPA, 2000). The EPA recommends that all existing native vegetation be protected from passive clearing through, grazing by stock or clearing by other means.

The area under application has been identified as vegetation Units 10 and 12 as classified in the Albany Regional Vegetation Survey (ARVS) (DEC, 2012; Sandiford and Barrett, 2010). Vegetation Unit 10 retains approximately 3.6 percent vegetation and Unit 12 retains approximately 29.8 percent vegetation within the surveyed area (Sandiford and Barrett, 2010). Upon inspection vegetation unit 12 was not apparent in the upper slope/hill crest area surveyed (DEC, 2012). The presence of *Eucalyptus cornata* nearby suggests this vegetation could be a modified occurrence of Sub-Unit 23a (DEC, 2012).

Although the vegetation remaining within the bioregion and vegetation association 3 retain levels higher than national objectives, the local area (10 kilometre radius) has been extensively cleared.

The application area forms significant habitat for *Calyptorhynchus banksii* subsp. *naso* (forest red-tailed black-cockatoo), *Calyptorhynchus baudinii* (Baudin's Cockatoo) and *Calyptorhynchus latirostris* (Carnaby's cockatoo). It may form significant habitat for the dispersal of *Pseudocheirus occidentalis* (western ringtail possum) and has been classified as regionally significant for the movement of endemic fauna. Given this the application is a significant remnant within a highly cleared landscape.

Given the above, the proposed clearing is at variance to this principle.

	Pre-European (ha)	Current Extent (ha)	Remaining (%)	Extent in DEC Managed Lands (%)
IBRA Bioregion* Jarrah Forest	4 506 660	2 459 298	54	68
Shire* City of Albany	431 370	166 839	38	24
Beard Vegetation Association in Bioregion* 3	2 390 591	1 631 110	68	80

Methodology References:
Commonwealth of Australia (2001)
DEC (2012)
EPA (2000)
*Government of Western Australia (2013)
Mattiske Consulting (2013)
Sandiford and Barrett (2010)

GIS Databases:
- SacBiodataSets - accessed October 2013

(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 not at variance to this Principle**
The closest mapped water body to the application area is a minor perennial watercourse located within approximately 60 metres.

Mattiske Consulting conducted flora survey's within Lot 50 between 2009 and 2013 and did not identify any wetland vegetation within the application area (Mattiske Consulting, 2013).

Given the above the application is not at variance to this clearing principle.

Methodology References:
Mattiske Consulting (2013)

GIS Datasets:
- Albany townsite January 2011 mosaic
- Hydrography linear

(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 Department of Agriculture and Food undertook a site inspection of the application area on the 3 October 2013 (The Commissioner of Soil and Land Conservation, 2013). The corresponding Land degradation assessment report found that the risk of the proposed clearing causing land degradation is low, noting:

- No salinity was observed on or off-site;
- Wind erosion is unlikely;
- Clearing the vegetation is unlikely to significantly increase surface water run off;
- Given the topography, soil type and intended land use the risk of eutrophication is low; and
- The proposed clearing areas are generally well drained.

Given this, the application is not likely to be at variance to this principle.

Methodology References:
The Commissioner of Soil and Land Conservation (2013)

GIS Datasets:
- Albany townsite January 2011 mosaic
- Hydrography linear
- Topographic contours

(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

Three nature reserves are located within the local area (10 kilometre radius). Mt Mason and Bakers Junction nature reserve are located 2.7 kilometres south and 4.5 kilometres north west respectively and Two Peoples Bay nature reserve is located 8 kilometres east.

The application area has been highlighted as part of a macro habitat corridor defined in the Western Australian South Coast Macro Corridor Network (Department of Conservation and Land Management, 2006) and as it falls within a highly cleared landscape, the vegetation proposed to be cleared is likely to be significant for the movement of endemic fauna through the landscape.

As the vegetation under application is likely to be significant for the movement of fauna through the landscape it may form a linkage for genetic dispersal between the reserves to the south and north of the application area. The removal of which may impact on their long term environmental value.

Given the above, the clearing as proposed may be at variance to this principle.

Methodology

References:

Government of Western Australia (2013)
Mattiske Consulting (2013)
Department of Conservation and Land Management (2006)

GIS Datasets:

- Albany townsite January 2011 mosaic
- DEC Tenure
- SacBiodataSets - accessed October 2013

(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

Groundwater salinity is mapped as 500 - 1000 milligrams per litre. This level of groundwater salinity is considered to be marginal.

No watercourses are mapped within the application area.

A site inspection undertaken on behalf of The Commissioner of Soil and Land Conservation (2013) found the risk of clearing the vegetation causing salinity to be low. The inspection also found that the risk of significant erosion and eutrophication to be low, therefore the application is not likely to deteriorate the quality of surface water.

Given the above, the proposed clearing is not likely to be at variance to this principle.

Methodology

References:

The Commissioner of Soil and Land Conservation (2013)

GIS Databases:

- Groundwater Salinity Statewide
- Topographic Contours, Statewide

(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 at variance to this Principle

No watercourses or wetlands have been identified within the application area. A site inspection undertaken on behalf of The Commissioner of Soil and Land Conservation (2013) found that the proposed clearing area is generally well drained and no change in the occurrences of waterlogging is likely.

The application is not at variance to this clearing principle.

Methodology

References:

The Commissioner of Soil and Land Conservation (2013)

GIS Datasets:

- Hydrography linear

Planning Instrument, Native Title, RIWI Act Licence, EP Act Licence, Works Approval, Previous EPA decision or other matter.

Comments

History of Lot 50 on Plan 37908

January 2008 - Application made to West Australian Planning Commission (WAPC) to subdivide Lot 50 into 3 sub-lots. The application was approved subject to conditions and was valid for three years.

December 2008 - A State Administrative Tribunal (SAT) hearing in Albany following an appeal by the applicant against conditions set in the approval for subdivision. The conditions which were appealed relate to requirements to fence four remnant areas of vegetation.

February 2009 - Clearing Permit Application submitted to the Department of Environment and Conservation (DEC) to clear for internal boundary fences which correspond with the proposed subdivision. This application included areas which SAT required to be fenced. The application was refused in June 2009.

March 2009 - Two new subdivision applications were submitted to the WAPC. One for the same 3 sub-lots proposed a year earlier and one proposing two sub lots. These were conditionally approved until the 3 June 2012 and have now lapsed.

May 2009 - Clearing Permit Application (CPS 3111/1) submitted to DEC. The application proposed to clear two hectares of native vegetation for the purpose of increasing runoff into a dam. An application was granted in August 2009 with a condition to retain habitat trees.

October 2009 - A Scheme Amendment Request covering all of Lot 50 and adjoining Lot 51 was lodged to the City of Albany by the landowner. The request was made to rezone the property to Special Residential and was refused.

August 2011 - Application to amend CPS 3111/1 submitted to DEC. This application was made to extend the duration of the permit. The permit was amended in September 2011 and the duration of the permit was extended until September 2013.

October 2011 - Application to amend CPS 3111/2 submitted to DEC. This amendment proposed to clear an additional one hectare of native vegetation for the purpose of increasing runoff into an existing dam. Permit amended December 2011.

March 2012 - Application to amend CPS 3111/3 submitted to DEC. This amendment proposed to clear an additional one hectare of native vegetation for the purpose of increasing runoff into an existing dam. Permit amended 14 February 2013.

August 2013 - Clearing Permit Application (CPS 5738/1) submitted to DER. This application is for the purposes of pasture, grazing and dam expansion.

Other Matters

The area currently under application falls within one of the four areas which SAT required to be fenced. WAPC approval expired in June 2012 and to date the subdivision has not been actioned. Therefore the remnant areas of vegetation required to be fenced have not been. In relation to this the applicant has previously advised that the SAT decision is no longer valid given that he has not pursued the subdivision of Lot 50.

The City of Albany (2013) has advised that planning approval is not required.

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).

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.

In letter dated 5 December 2013 the applicant's project manager wrote to DER in response to DER's letter sent 24 October 2013. Concerns were raised as to what constitutes biodiversity, fauna habitat and a highly cleared area. These concerns where relevant have been addressed in the assessment against the clearing principles.

Methodology

References:

City of Albany (2012)
EPA (2000)

4. References

- City of Albany (2013) Advice received in relation to clearing permit application CPS 5738/1, Lot 50 Nannarup Road, Kalgan (DER Ref: A679919).
- Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.
- DEC (2006) Western Australian South Coast Macro Corridor Network, a bioregional strategy for nature conservation. Department of Conservation and Land Management.
- DEC (2012) Site Inspection Report for Clearing Permit Application CPS 3111/4, Lot 50 Nannarup Road, Kalgan. Site inspection undertaken 3 May 2012. Department of Environment and Conservation, Western Australia (DER Ref: A501786).
- The Commissioner of Soil and Land Conservation (2013) Advice received in relation to clearing permit application CPS 5738/1, Lot 50 Nannarup Road, Kalgan (DER Ref: A684058).
- DPaW (2007 -) NatureMap: Mapping Western Australia's Biodiversity. Department of Environment and Conservation. URL: <http://naturemap.dec.wa.gov.au/>. Accessed March 2012.
- 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.
- Government of Western Australia. (2013). 2012 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of October 2012. WA Department of Environment and Conservation, Perth.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Mattiske Consulting Pty Ltd (2012) Review of Issues Raised in Letter from the Department of Environment and Conservation CPS 311/4 (DER Ref: A567360).
- Mattiske Consulting Pty Ltd (2013) Information supplied in support of clearing permit application CPS 5738/1, Lot 50 Nannarup Road, Kalgan, Prepared for Erujin Pty Ltd (DER Ref: A481991).
- Northcote, K. H. with Beckmann G G, Bettenay E., Churchward H. M., van Dijk D. C., Dimmock G. M., Hubble G. D., Isbell R. F., McArthur W. M., Murtha G. G., Nicolls K. D., Paton T. R., Thompson C. H., Webb A. A. and Wright M. J. (1960-68): 'Atlas of Australian Soils, Sheets 1 to 10, with explanatory data'. CSIRO and Melbourne University Press: Melbourne.
- Sandiford, E.M. and Barrett, S. (2010). Albany Regional Vegetation Survey, Extent Type and Status, A project funded by the Western Australian Planning Commission (EnviroPlanning -Integrating NRM into Land Use Planning and State NRM Program), South Coast Natural Resource Management Inc. and City of Albany for the Department of Environment and Conservation. Unpublished report. Department of Environment and Conservation, Western Australia.
- 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.
- Department of Conservation and Land Management (2006) The Western Australian South Coast Macro Corridor Network, A bioregional strategy for nature conservation. Department of Conservation and Land Management. January 2006.