



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: 5771/1
File Number: DER2013/000552-1
Duration of Permit: From 22 March 2014 to 22 March 2024

PERMIT HOLDER

Nino Messina Pty Ltd

LAND ON WHICH CLEARING IS TO BE DONE

Lot 10655 on Deposited Plan 209811 (Valentine 6532)

AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 19 hectares of native vegetation within the area hatched yellow on attached Plan 5771/1.

CONDITIONS

1. Offsets - conservation covenant

Prior to undertaking any clearing authorised under this Permit, the Permit Holder shall:

- (a) give a conservation covenant under section 30B of the *Soil and Land Conservation Act 1945* setting aside the *covenant area* for the protection and management of vegetation in perpetuity; and
- (b) provide to the CEO a copy of the executed conservation covenant.

2. Offset - vegetation maintenance

The Permit Holder shall:

- (a) (i) prior to 22 March 2015, prepare a *Weed Management Plan* to the satisfaction of the CEO, outlining the actions the Permit Holder will take at least once in each 12 month period for the term of this Permit to remove or kill *weeds* within the *covenant area*; and
(ii) implement and adhere to the *Weed Management Plan*.
- (b) at least once in each 12 month period for the term of this Permit, undertake a *1080* wild rabbit baiting program within the *covenant area* in accordance with any restrictions on the use of *1080* imposed under the *Poisons Act 1964*.

DEFINITIONS

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

covenant area means the area of land cross-hatched red on attached Plan 5771/1; and

weed/s means any plant -

- (a) that is a declared pest under section 22 of the *Biosecurity and Agriculture Management Act 2007*; or
- (b) published in a Department of Parks and Wildlife Regional Weed Summary, regardless of ranking; or
- (c) not indigenous to the area concerned.

1080 means sodium monofluoroacetate

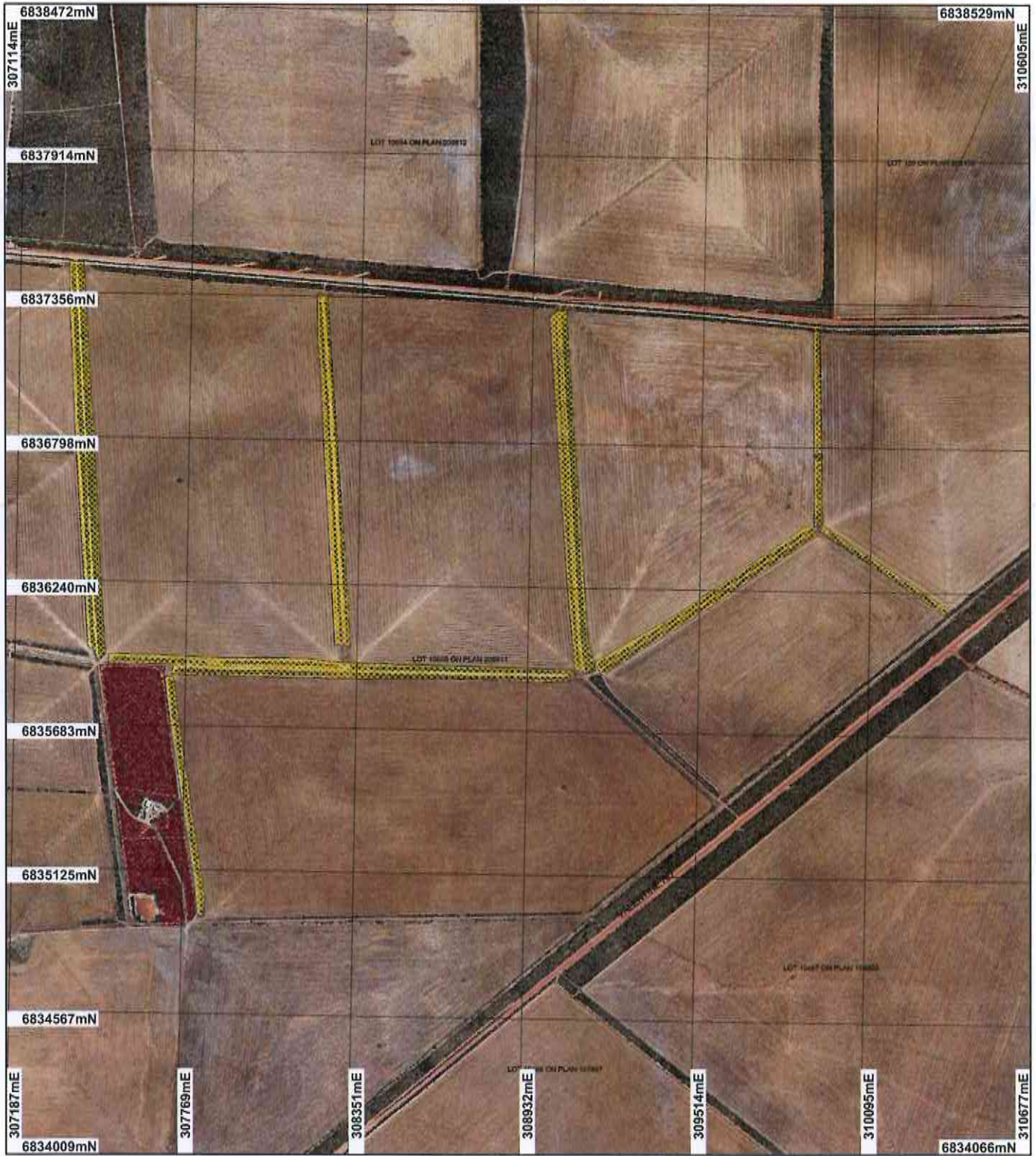
A handwritten signature in cursive script, appearing to read "M Warnock", written over a horizontal line.

M Warnock
MANAGER
NATIVE VEGETATION CONSERVATION BRANCH

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

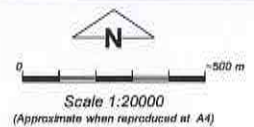
20 February 2014

Plan 5771/1



LEGEND

- Road Centrelines
- Cadastre for labelling
- Clearing Instruments
- Areas Applied to Clear
- Areas Subject to Conditions (cont)
- Areas Approved to Clear
- Indarra 50cm Orthomosaic - Landgate 2007



Geocentric Datum Australia 1994

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

M Warnock Date 20/2/14
M Warnock

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.



Government of Western Australia
Department of Environment Regulation

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



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 5771/1

Permit type: Area Permit

1.2. Proponent details

Proponent's name: Nino Messina Pty Ltd

1.3. Property details

Property: LOT 10655 ON PLAN 209811 (House No. 1339 VALENTINE VALENTINE 6532)

Local Government Area: Shire of Chapman Valley

Colloquial name:

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Grant

Decision Date: 20 February 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
Mapped Beard vegetation association 408 is described as Shrublands; scrub-heath on coastal association, yellow sandplain (Shepherd et al 2001).	The clearing of 19 hectares of native vegetation within Lot 10655 on Plan 209811, Valentine is for the purpose of pest (rabbit) control.	Completely Degraded: No longer intact; completely/almost completely without native species (Keighery 1994)	The condition of the native vegetation under application was determined by digital imagery (Indarra 50cm - Orthomosaic - Landgate 2007), photographs supplied by the applicant and a site inspection undertaken by the Department of Parks and Wildlife (2013).
		To	The areas proposed to be cleared are located mainly on either side of old fence lines and are approximately three metres high. There are numerous dead or dying Banksia sp. and there does not appear to be any recruitment. The current condition of the vegetation along many of the fence lines is poor (Commissioner of Soil and Land Conservation 2013).
		Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (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 not likely to be at variance to this Principle

The application is to clear 19 hectares of native vegetation within Lot 10655 on Plan 209811, Valentine for the purpose of pest (rabbit) control.

The application area consists of vegetation in a completely degraded to degraded (Keighery 1994) condition (DPaW 2013). The areas proposed to be cleared are within shelter belts that have been degraded due to a plague of rabbits and wind erosion.

Numerous fauna species listed as rare or likely to become extinct under the Wildlife Conservation Act 1950 have been recorded within a 30 kilometre radius, including: Calyptrorhynchus latirostris (Carnaby's Cockatoo), Cyclodomorphus branchialis (Gilled Slender Blue-tongue Skink) Egernia stokesii subsp. badia (Western Spiny-tailed Skink) and Idiosoma nigrum (Shield-backed Trapdoor Spider) (DEC 2007-). The area under application is located within an extensively cleared landscape with 20 per cent vegetation remaining in the local area (10

kilometre radius), the vegetation under application may act as a stepping stone for fauna across the landscape. Therefore the proposed clearing may reduce fauna movement across the landscape.

Numerous priority flora species have been recorded with the local area (10 kilometre radius) on similar soil and vegetation type. Four priority 3 and one priority 4 flora species have been recorded within the local area (10 kilometre radius) on similar soil and vegetation types. Priority 4 flora species are considered to have been adequately surveyed, or for which sufficient knowledge is available, and that are considered not currently threatened or in need of special protection, but could be if present circumstances change. Priority 3 flora species are known from collections from several localities not under imminent threat or from few but widespread localities with either a large population size or significant remaining areas of apparently suitable habitat, much of it not under imminent threat.

Two priority 1 flora species and one priority 2 flora species have been recorded within the local area (10 kilometre radius) on similar vegetation and soil types. Priority one and two flora species are taxa that appear to be under immediate threat from known threatening processes.

The first priority 1 flora species has been identified approximately 250 metres south west of the proposed clearing area. This species has been recorded on yellow sand on the road verge of Valentine Road reserve, located adjacent to Lot 10655, this area is considered to be in a degraded (Keighery 1994) condition.

The second priority 1 flora species has been recorded approximately 1.1 kilometres south of the area under application within Valentine Road reserve. This species has only been recorded within the Shire of Chapman Valley on yellow sand. This species has also been found growing through dead vegetation (Western Australian Herbarium 1998-).

The priority 2 flora species has been recorded approximately one kilometre south of the application area within Valentine Road reserve on yellow sand and approximately 215 metres south west of the application area within Lot 10655. This species is found on yellow sand within low, open woodlands. This species has also been recorded within low heath (Western Australian Herbarium 1998-).

A site inspection undertaken by Department of Parks and Wildlife (DPaW 2013) determined that the vegetated corridors under application lack understorey and consist of weeds only. Given the lack of understorey present within these areas it is unlikely the vegetation proposed to be cleared will contain priority flora.

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

Methodology

References:

- DPaW (2007-)
- DPaW (2013)
- Keighery (1994)
- Western Australian Herbarium (1998-)

GIS Database:

- SAC Bio Datasets October 2013

(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

Numerous fauna species listed as rare or likely to become extinct under the Wildlife Conservation Act 1950 have been recorded within a 30 kilometre radius, including: *Calyptorhynchus latirostris* (Carnaby's Cockatoo), *Cyclodomorphus branchialis* (Gilled Slender Blue-tongue Skink) *Egernia stokesii* subsp. *badia* (Western Spiny-tailed Skink) and *Idiosoma nigrum* (Shield-backed Trapdoor Spider) (DEC 2007-).

The application area consists of vegetation in a completely degraded to degraded (Keighery 1994) condition.

The mapped Beard vegetation association 408 is described as 'Shrublands; scrub-heath on coastal association, yellow sandplain' (Shepherd et al 2001).

The Western Spiny-tailed Skink (brown form) is found in York Gum, Gimlet and Salmon gum woodlands. They utilise a range of habitats including hollow logs, abandoned farmhouses, sheds and woodpiles. The black form of the Western Spiny-tailed Skink has been located on granite formations, ranging in size from hills to low rises (Department of the Environment 2013a). Given the vegetation association mapped within the application area the application area is not likely to contain suitable habitat for this species.

The Shield-backed trapdoor spider is known to inhabit areas of Eucalypt woodlands over granite and loam soils and the critical habitat for this species comprises 'York gum (*Eucalyptus loxophleba*), Salmon gum (*Eucalyptus salmonophloia*) and Wheatbelt wandoo (*Eucalyptus capillosa*) woodland, where Jam (*Acacia acuminata*) forms a sparse understorey in heavy clay soils' (ACC, 2007). Given the vegetation association and soil type mapped

within the application area the application area is not likely to contain suitable habitat for this species.

Carnaby's cockatoo nests in large hollows of eucalyptus trees and forages on the seeds, nuts and flowers of a large variety of plants including Proteaceous species (Banksia, Hakea, Grevillea), as well as Allocasuarina and Eucalyptus species, Corymbia calophylla and a range of introduced species, especially seeds from cones of Pinus species (Shah, 2006). The area under application contains numerous individuals of banksia sp. which may provide suitable habitat for the Carnaby's cockatoo.

The area under application is located within an extensively cleared landscape with 20 per cent remaining in the local area (10 kilometre radius), the vegetation under application may act as a stepping stone for fauna across the landscape. Therefore the proposed clearing may reduce fauna movement across the landscape.

Given the extensively cleared and highly fragmented nature of native vegetation within the landscape it is considered that any remaining remnant vegetation in the local area is important as fauna habitat.

Given the above, the vegetation proposed is not likely to be significant habitat for local fauna populations.

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

Methodology References:
- ACC (2007)
- Department of the Environment (2013)
- DEC (2007-)
- Keighery (1994)
- Shah (2006)

GIS Database:
- SAC Bio Datasets 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 likely to be at variance to this Principle

One species of rare flora has been recorded within the local area (10 kilometre radius). This species is located 9.6 kilometres from the area under application. This species is confined to very small areas at Mingenew and Eradu in Western Australia. The species grows in white or yellow sandy or gravelly loam soil in open scrub or heath (DEC 2001).

Given the distance to the closest record and that the species is confined to very small areas at Mingenew and Eradu, the area proposed to be cleared is not likely to contain this species.

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

Methodology References:
- DEC (2001)

GIS Databases:
- SAC Biodata sets - 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

No Threatened Ecological Communities (TEC) have been recorded within the local area (10 kilometre radius). The closest TEC, 'Plant assemblages of the Billeranga System', is located approximately 100 kilometres south east of the application area.

Given the distance to the closest TEC and the condition of the vegetation, the vegetation proposed to be cleared does not contain TEC's nor is it necessary for the maintenance of a TEC.

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

Methodology GIS Database:
-Sac Biodata sets - 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 Geraldton Sand Plains Interim Biogeographic Regionalisation of Australia (IBRA) bioregion. This IBRA bioregion has approximately 45 per cent of its Pre European vegetation extent remaining (Government of Western Australia 2013).

The vegetation under application is mapped as Beard Vegetation Association 408, which has approximately 45 per cent of its Pre-European extent remaining in the Geraldton Sand Plains bioregion (Government of Western Australia 2013).

The National Objectives and Targets for Biodiversity Conservation include a target that prevents the clearance of ecological communities with an extent below 30 per cent of that present pre-European settlement (Commonwealth of Australia, 2001).

Digital imagery (Indarra 50cm - Orthomosaic - Landgate 2007) indicates that the local area (10 kilometre radius) surrounding the area under application retains approximately 15 per cent vegetation cover.

Given the highly cleared local area (20 per cent of pre-European vegetation remaining), the application area is located in an area that has been extensively cleared and therefore the proposed clearing is at variance to this principle.

To address the residual significant impact identified in this assessment, the applicant has advised they are willing to enter into a conservation covenant under Section 30 of the Soil and Land Conservation Act 1945 over a 19 hectare area to maintain and establish in perpetuity native vegetation in an excellent (Keighery 1994) condition within Lot 10655 to offset the loss of the 19 hectares proposed to be cleared under this application.

	Pre-European (ha)	Current Extent Remaining (ha)	Remaining (%)	Extent in DEC Managed Lands (%)
IBRA Bioregion*				
Geraldton Sand Plains	3,136,038	1,408,729	45	40
Shire*				
Shire of Chapman Valley	398,022	134,834	34	42
Beard Vegetation Association in Bioregion*				
408	328,527	149,303	45	67

* Government of Western Australia (2013)

Methodology

References:

- Commonwealth of Australia (2001)
- EPA (2000)
- Government of Western Australia (2013)

GIS Databases:

- Indarra 50cm - Orthomosaic - Landgate 2007
- Local Government Authorities - Landgate
- Pre-European Vegetation

(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

No watercourse or wetlands are located within the area under application. The closest watercourse is the 'Greenough River' which is located approximately 2.9 kilometres east of the application area.

Given the distance to the closest watercourse the vegetation proposed to be cleared is not growing in association with a watercourse or wetland.

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

Methodology

GIS Databases:

- Hydrology, linear

(g) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.

Comments Proposal may be at variance to this Principle

The soil type mapped within the application area is AC9, which Northcote et al. (1960 - 1968) describes as: gently undulating plateau underlain by sedimentary rocks, chief soils are yellow earthy sands.

The sandy nature of the soil within the application area is prone to wind erosion. However the proposed clearing is for the eradication of a plague of rabbits. Rabbits can denude the soil of protective vegetative cover, promoting wind erosion as well as destroying crops. The applicant has advised that due to the degradation of the understorey of the vegetation within the application area wind now penetrates the canopy and sand blasts everything in its path keeping regrowth to a minimum.

The Commissioner of Soil and Land Conservation (2013) advised the chance of wind erosion causing land degradation will be increased with the removal of the tree-lines acting as windbreaks. However, given the height of the trees (approximately three metres) the effectiveness of the trees preventing wind erosion to the adjacent paddocks is minimal.

The clearing as proposed is likely to increase wind erosion within the application area as the area will become bare and exposed and therefore subject to wind erosion.

Given the risk of wind erosion the proposed clearing may be at variance to this principle.

If best practice actions are used including maintaining ground cover residues above 50 per cent and minimising soil disturbance then the risk of erosion will be low (Commissioner of Soil and Land Conservation 2013).

The applicant has advised that they carry out minimum tillage practices within their farming practices to mitigate impacts of wind erosion within Lot 10655.

Methodology References:

- Northcote et al (1960-1968)
- Commissioner of Soil and Land Conservation (2013)

- GIS Databases:
- Soils, statewide

(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 closest conservation area is the Forty Four Mile Nature Reserve located approximately 16 kilometres south east from the application area.

Given the distance to the closest nature reserve the clearing as proposed is not likely to have an impact on the environmental values of a conservation area.

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

- Methodology GIS Databases:**
- DPaW Tenure

(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

No watercourse or wetlands are located within the area under application. The closest watercourse is the 'Greenough River' which is located approximately 2.9 kilometres east of the application area.

Given the distance to the closest watercourse the clearing as proposed is not likely to cause deterioration in the quality of surface water.

Groundwater salinity is mapped between 500 - 1000 milligrams/Litre Total Dissolved Solids which is considered to be marginal. The clearing of 19 hectares of vegetation in a completely degraded to degraded (Keighery 1994) condition within the application area is not likely to cause a measurable deterioration in the quality of underground water.

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

- Methodology GIS Databases:**
- Groundwater salinity
 - Hydrology, linear

(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

The soil type mapped within the application area is AC9, which Northcote et al. (1960 - 1968) describes as: gently undulating plateau underlain by sedimentary rocks, chief soils are yellow earthy sands.

Given the majority of the vegetation proposed to be cleared is in a degraded (Keighery 1994) condition and the high porosity of sand, the clearing as proposed is not likely to exacerbate the incidence or intensity of flooding.

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

Methodology

References:

- Northcote et al (1968)

GIS Databases:

- Soils, statewide

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

Comments

One public submission has been received for this application raising concerns regarding the validity of the purpose of pest control. It was recommended that other means of pest control should be investigated prior to granting a clearing permit (Submission 2013). The applicant has advised that all other available means to deal with rabbit control have been undertaken, including undertaking an extensive 1080 program to reduce numbers.

To address the environmental impacts identified in this assessment, the applicant has advised they are willing to enter into a conservation covenant to maintain a 19 hectare area containing native vegetation in an excellent (Keighery 1994) condition within Lot 10655 to offset the loss of the 19 hectares proposed to be cleared under this application.

Methodology

References:

- EPA (2000)

- Submission (2013)

4. References

- ACC (2007) Shield - backed Trapdoor Spider (*Idiosoma nigrum*) Conservation Plan. Avon Catchment Council, Western Australia.
- Commissioner of Soil and Land Conservation (2013) CPS 5771/1 Nino Messina Pty Ltd, Lot 10655 on Deposited Plan 209811 Valentine, Shire of Chapman Valley. Office of the commissioner of Soils and Land Conservation. Western Australia (DER Ref: A691694).
- Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.
- DEC (2001). Vein- Leaf Grevillea (*Grevillea Phanerophlebia*) Interim Recover Plan. Department of Environment and Conservation. Western Australia.
http://www.dec.wa.gov.au/pdf/plants_threatened_species/irps/gre_pha_irp100.pdf
- DEC (2007 -) NatureMap: Mapping Western Australia's Biodiversity. Department of Environment and Conservation. URL: <http://naturemap.dec.wa.gov.au/>. Accessed October 2013
- Department of the Environment (2013). *Dasymalla axillaris* in Species Profile and Threats Database. Canberra.
http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl-taxon_id=38829. Accessed October 2013.
- DPaW (2013) Site Inspection of Vegetation Proposed to be Cleared Within Lot 10655 on Deposited Plan 209811. Western Australia. DER Ref: A711494.
- 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.
- 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.
- Shah, B. (2006) Conservation of Carnaby's Black-Cockatoo on the Swan Coastal Plain, Western Australia. December 2006. Carnaby's Black-Cockatoo Recovery Project. Birds Australia, 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.
- Submission (2013). Nino Messina Pty Ltd, Area Permit, Lot 10655, Valentine, Shire of Chapman Valley, Pest Control (CPS 5775/1). Western Australia. (DER Ref: A675404)
- Western Australian Herbarium (1998-) FloraBase - The Western Australian Flora. Department of Environment and Conservation. <http://florabase.dec.wa.gov.au/> (Accessed October 2013).