



## CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

<b>Purpose permit number:</b>	CPS 5943/1
<b>Permit holder:</b>	Shire of Capel
<b>Duration of permit:</b>	3 May 2014 – 3 May 2019

The permit holder is authorised to clear native vegetation subject to the following conditions of this Permit.

### PART I – CLEARING AUTHORISED

**1. Purpose for which clearing may be done**

Clearing for the purpose of hazard reduction.

**2. Land on which clearing is to be done**

The Permit holder must not clear more than 75 native trees within the boundaries of the Shire of Capel, on land owned by or vested with the Shire of Capel.

**3. Application**

This Permit allows the permit holder to authorise persons, including employees, contractors and agents of the permit holder, to clear native vegetation for the purposes of this Permit subject to compliance with the conditions of this Permit and approval from the Permit Holder.

**4. Type of clearing authorised**

This Permit authorises the permit holder to clear native vegetation for activities to the extent that the permit holder has the power to clear native vegetation for those activities under the *Local Government Act 1995* or any other written law.

### PART II – ASSESSMENT SEQUENCE AND MANAGEMENT PROCEDURES

**5. Avoid, minimise etc clearing**

In determining the native trees to be cleared authorised under this Permit, the Permit Holder must have regard to the following principles, set out in order of preference:

- avoid the clearing of native vegetation;
- minimise the amount of native vegetation to be cleared; and
- reduce the impact of clearing on any environmental value.

**6. 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:

- clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- restrict the movement of machines and other vehicles to the limits of the areas to be cleared;
- only move soils in dry conditions; and

## 7. Fauna Management

- (a) Prior to undertaking any clearing authorised under this Permit, the Permit Holder shall engage a *fauna specialist* who shall inspect trees located in the Permit Area to identify hollows suitable to be utilised as habitat by fauna specified in Schedule 1 of the Wildlife Conservation (Specially Protected Fauna) Notice 2013;
- (b) Prior to clearing any trees identified by condition 7(a) shall be inspected by a *fauna specialist* for the presence of fauna listed specified in Schedule 1 of the Wildlife Conservation (Specially Protected Fauna) Notice 2013; and
- (c) Where fauna are identified under condition 7(b) of this Permit, the Permit Holder shall ensure that no taking of identified fauna occurs, unless first approved by the CEO.

## **Part III – Record Keeping And Reporting**

### 8. Records must be kept

The Permit Holder must maintain the following records for activities done pursuant to this Permit:

- (a) In relation to the clearing of native vegetation authorised under this Permit:
  - (i) 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;
  - (ii) the date that the area was cleared; and
  - (iii) the number of trees cleared.
- (b) In relation to fauna management pursuant to condition 7 of this Permit, the location of each fauna identified, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings or decimal degrees.

### 9. Reporting

- (a) The Permit Holder must provide to the CEO on or before 30 June of each year, a written report:
  - (i) of records required under condition 8 of this Permit; and
  - (ii) concerning activities done by the Permit Holder under this Permit between 1 July to 30 June of the preceding financial year.
- (b) If no clearing authorised under this Permit was undertaken between 1 July to 30 June of the preceding financial year, a written report confirming that no clearing under this permit has been carried out, must be provided to the CEO on or before 30 June of each year.
- (c) Prior to 3 February 2019, the Permit Holder must provide to the CEO a written report of records required under condition 8 of this Permit where these records have not already been provided under condition 9(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;

*fauna specialist*: means a person who holds a tertiary qualification specializing in environmental science or equivalent, and has a minimum of 2 years work experience in fauna identification and surveys of fauna native to the region being inspected or surveyed, or who is approved by the CEO as a suitable fauna specialist for the bioregion, and who holds a valid fauna licence issued under the *Wildlife Conservation Act 1950*;

*fauna survey*: means a field-based investigation, including a review of established literature, of the biodiversity of fauna and/or fauna habitat of the Permit Area. Where conservation significant fauna are identified in the Permit Area, the survey should also include sufficient surrounding areas to place the Permit Area into local context;

*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 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.



M Warnock  
MANAGER  
NATIVE VEGETATION CONSERVATION BRANCH

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

3 April 2014



# Clearing Permit Decision Report

Government of Western Australia  
Department of Environment Regulation

## 1. Application details

### 1.1. Permit application details

Permit application No.: 5943/1  
Permit type: Purpose Permit

### 1.2. Proponent details

Proponent's name: Shire of Capel

### 1.3. Property details

Property:  
Local Government Area: Shire of Capel  
Colloquial name: Reserves vested with the Shire

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
	75	Mechanical Removal	Hazard reduction

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 3 April 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 may consist of one or more of the following Beard Vegetation Associations:	Clearing 75 trees throughout the Shire of Capel for the purpose of hazard reduction.	Completely Degraded: No longer intact; completely/almost completely without native species (Keighery 1994)	The condition of the vegetation is likely to vary throughout the Shire with the overall vegetation condition expected to range from completely degraded to very good (Keighery, 1994) condition.
- 2: Tall woodland; tuart (Eucalyptus gomphocephala)		To	
- 3: Medium forest; jarrah-marri		Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery 1994)	The proposed clearing is for the removal of 75 trees and does not require the removal of midstorey or ground cover vegetation.
- 6: Medium woodland; tuart & jarrah			
- 27: Low woodland; paperbark (Melaleuca sp.)			
- 37: Shrublands; teatree thicket			
- 676: Succulent steppe; samphire			
- 968: Medium woodland; jarrah, marri & wandoo			
- 990: Low forest; peppermint (Agonis flexuosa)			
- 998: Medium woodland; tuart			
- 1000: Mosaic: Medium forest; jarrah-marri / Low woodland; banksia / Low forest; teatree (Melaleuca spp.)			
- 1017: Medium open woodland; jarrah & marri, with low woodland; banksia			
- 1136: Medium woodland; marri with some jarrah, wandoo, river gum and casuarina			
- 1181: Medium woodland, jarrah & Eucalyptus haematoxylon (Whicher Range)			
- 1182: Medium woodland; Eucalyptus rudis & Melaleuca raphiophylla			
- 1185: Medium woodland; jarrah, marri & blackbutt			

(Shepherd et al., 2001)



### 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 at variance to this Principle**

The proposed clearing is for up to 75 dead trees or trees assessed by the Shire as being a safety hazard, scattered throughout land owned by or vested with the Shire of Capel.

The proposed clearing includes individual trees only and not remnant stands of vegetation.

There are numerous priority and rare flora species recorded throughout the Shire. As the proposed clearing is to remove 75 trees and not remnant stands of vegetation it is unlikely priority or rare flora species will be impacted upon from the proposed clearing.

The proposed clearing of 75 trees throughout the Shire is unlikely to comprise a high level of biological diversity, therefore the proposed clearing is not at variance to this principle.

The clearing has the potential to introduce weeds and dieback into areas that contain high biodiversity. Weed and dieback hygiene measures will assist to mitigate this risk.

**Methodology**

GIS Database:  
SAC Biodatasets - accessed March 2014  
Pre European Vegetation  
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 may be at variance to this Principle**

There have been several significant fauna species identified throughout the Shire of Capel, including the Brush Tailed Phascogale (*Phascogale tapoatafa*), Western Ringtail Possum (*Pseudocheirus occidentalis*), Forest Red-Tailed Cockatoo (*Calyptorhynchus banksia naso*), Carnabys Cockatoo (*Calyptorhynchus latirostris*) and Chuditch (*Dasyurus geoffroii*) (DEC, 2007-).

The 75 trees proposed to be cleared may contain hollows suitable to be utilised by black cockatoos and the Brush Tailed Phascogale. Considering this, trees containing hollows suitable will need to be inspected for these species prior to clearing commencing.

The application may be at variance to this principle.

**Methodology**

Reference:  
DEC (2007-)  
GIS Database:  
DPaW tenure  
SAC Biodatasets - accessed March 2014  
NLWRA, Current Extent of Native Vegetation 20 Jan 2001.

#### (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**

The proposed clearing is unlikely to impact on any rare flora as the proposed clearing is limited to trees assessed by the Shire as being a safety hazard.

No ground cover or midstorey vegetation will be cleared to undertake the removal of the hazardous trees and thus no rare flora is likely to be affected.

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

**Methodology**

GIS Database:  
SAC Biodatasets - accessed March 2014

#### (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 11 occurrences of Threatened Ecological Communities (TECs) within the Shire of Capel.

As the clearing is for up to 75 individual trees scattered throughout the Shire it is unlikely that this clearing will

have a measurable impact on the environmental values of any TEC.

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

**Methodology** References:  
-SAC Biodatasets - accessed March 2014

**(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 Shire of Capel retains approximately 34 per cent of native vegetation within its boundaries (Government of Western Australia, 2013).

Individual trees assessed by the Shire as being a safety hazard within the area under application are not likely to be of significant environmental value in a local context, and taking into account the vegetation representation throughout the Shire, the clearing as proposed is not likely to be at variance to this principle.

**Methodology** References  
- Government of Western Australia (2013)  
  
GIS Database:  
-Interim Biogeographic Regionalisation of Australia  
-Local Government Authorities

**(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 may be at variance to this Principle**  
The Shire of Capel has many wetlands and watercourses within the Shire boundary. The proposed clearing of 75 individual trees scattered throughout the Shire may occur within a wetland or watercourse. However it is unlikely to significantly impact on any watercourses or wetlands.

The proposed clearing may be at variance to this principle.

**Methodology** GIS Database:  
ANCA wetlands  
EPP Lakes Policy Area  
EPP, Wetlands  
Geomorphic Wetlands (Mgt Categories), Swan Coastal Plain  
Hydrography linear  
Ramsar wetlands

**(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**  
As the proposed clearing is of up to 75 scattered trees throughout the Shire, it is considered unlikely that the proposed clearing will cause appreciable land degradation.

The proposed clearing is not likely to be at variance to this principle.  
**Methodology** GIS Database  
-Acid Sulfate Soil Risk Map, Swan coastal Plain  
-Average Annual Rainfall Isohyets  
-Hydrography, linear  
-Salinity Risk LM 25m  
-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 Shire of Capel has a number of conservation areas within its boundaries including Tuart Forest National Park, Ludlow State Forest, Coolilup State Forest, Capel Nature Reserve and Boyanup State Forest.

Given that the proposal is to remove 75 trees scattered throughout the Shire it is unlikely that the proposed clearing would impact on the environmental values of conservation areas with the Shire of Capel.

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

The clearing has the potential to introduce weeds and dieback into conservation areas. Weed and dieback management practices will assist to mitigate this risk.

**Methodology** GIS Database:  
-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**

As the proposed clearing is of up to 75 scattered trees throughout the Shire, it is unlikely that the proposed clearing will cause deterioration in water quality within the Shire of Capel.

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

**Methodology** GIS Database:  
-Groundwater Salinity Statewide  
-Hydrographic catchments  
-Hydrography, linear  
-Salinity Risk

**(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**

As the proposed clearing is of up to 75 scattered trees throughout the Shire, it is unlikely that the proposed clearing will increase the incidence or intensity of flooding within the Shire of Capel.

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

**Methodology** GIS Database:  
-Hydrography, linear  
-Mean Annual Rainfall Isohytes

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

**Comments**

There are Aboriginal Sites of Significance within the Shire of Capel. It is the Shire's responsibility to consult with local indigenous groups about the impact of the proposed clearing on these registered sites. Aboriginal Sites of Significance will need to be managed in accordance with requirements under the Aboriginal Heritage Act (1972).

The Department of Water (2014) has advised the removal of up to 75 trees via the use of a chainsaw throughout the Shire of Capel is unlikely to disturb the bed and banks of the Preston, Capel and Geographe Bay Rivers. Therefore there are no requirements for the Shire to obtain a permit to interfere with the bed and banks of these rivers.

The proposed clearing of 75 trees may include areas subject to the Environmental Protection Swan Coastal Plain Lakes Policy 1992. The Environmental Protection Authority (2014) has determined not to assess this proposal under Part IV of the Environmental Protection Act 1986 (EP Act) and advised that the proposal could be dealt with under Part V Division 2 of the EP Act.

**Methodology** References  
DoW (2014)  
EPA (2014)  
GIS Database:  
-Aboriginal Sites of Significance  
-Native Title Claims



#### 4. References

- DEC (2007 - ) NatureMap: Mapping Western Australia's Biodiversity. Department of Environment and Conservation. URL: <http://naturemap.dec.wa.gov.au/>. Accessed March 2014
- DoW (2014) Advised received in relation to clearing permit application CPS 5943/1 - Shire of Capel. Department of Water (DER Ref:A722429)
- EPA (2014) Advised received in relation to clearing permit application CPS 5943/1 - Shire of Capel. Environmental Protection Authority (DER Ref:A737101)
- 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.
- 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.