



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 6588/1
Permit Holder:	Shire of Capel
Duration of Permit:	22 August 2015 – 22 August 2020

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

1. Purpose for which clearing may be done

Clearing for the purpose of road reconstruction.

2. Land on which clearing is to be done

Mallokup Road reserve (PIN 1323207), Stirling Estate

3. Area of Clearing

The Permit Holder must not clear more than two native trees within the area cross hatched yellow on attached Plan 6588/1.

4. 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.

5. Type of clearing authorised

This Permit authorises the Permit Holder to clear native vegetation for the activities described in condition 1 of this Permit to the extent that the Permit Holder has the power to carry out works involving clearing for those activities under the *Local Government Act 1995* or any other written law.

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

M Warnock
SENIOR MANAGER
CLEARING REGULATION

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

23 July 2015

Plan 6588/1



Legend

-  Roads
- Local Govt. Authorities (LGA)
-  Cadastre
- Virtual Mosaic (LGATE-V001)
-  Areas approved to clear



1:2,500

MGA 94

Geocentric Datum of Australia 1994

M Warnock Date *23/7/15*
M Warnock

Officer with delegated authority under Section 20
of the Environmental Protection Act 1986



GOVERNMENT OF
WESTERN AUSTRALIA



1. Application details

1.1. Permit application details

Permit application No.: 6588/1
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Shire of Capel

1.3. Property details

Property: ROAD RESERVE - 1323207, STIRLING ESTATE
Local Government: CAPEL, SHIRE OF

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
	2	Mechanical Removal	Road construction or upgrades

1.5. Decision on application

Decision on Permit Application: Granted
Decision Date: 23 July 2015

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description	Vegetation Condition
Beard Vegetation Association 37 is described as Shrublands; teatree thicket (Shepherd et al, 2001).	Degraded; Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994).

3. Assessment of application against clearing principles

Comments The application is to clear two native trees within Mallokup Road reserve, Stirling Estate, for the purpose of road reconstruction. The two native trees subject to this application have been surveyed and fall within the construction envelope of the proposed Mallokup Road. The application area is in a degraded (Keighery, 1994) condition.

The two native trees proposed to be cleared are mature Tuart trees. An independent fauna habitat assessment of the two trees was undertaken on 8 July 2015 (Harewood 2015). The assessment identified that one of the two trees contained one possible hollow entrance at a sawn off branch. No evidence was seen to suggest the hollow is or has been used by any vertebrate fauna species. This particular tree is also in a state of decline and has a high senescence rate. The fauna assessment identified there was no evidence to suggest either tree is being used as a roost site by black cockatoos (Harewood 2015). Therefore, it is unlikely that the area under application comprises of, or maintains significant habitat for fauna indigenous to Western Australia.

The national objectives and targets for biodiversity conservation in Australia has a target to prevent clearance of ecological communities with an extent below 30 per cent of that present pre-1750, below which species loss appears to accelerate exponentially at an ecosystem level (Commonwealth of Australia 2001). The Shire of Capel retains approximately 33 per cent of its pre-European vegetation extent (Government of Western Australia, 2014).

The closest mapped wetlands or watercourses are a multiple use wetland, mapped approximately 80 metres east and a palusplain wetland mapped 100 metres south west of the application area. The Vasse-Wonnerup RAMSAR wetland is mapped 12 kilometres south of the application area. There are also a number of Environmental Protection Policy lakes and wetlands mapped within five kilometres of the two native trees. The proposed clearing will not measurably impact upon these wetland communities.

There are two threatened ecological communities (TEC) and two priority flora species mapped within six kilometres of the application area. The application area does not represent significant habitat for rare or priority flora and is not consistent with the mapped TEC. The application area does not contain vegetation with a high level of diversity and is not necessary for the maintenance of a TEC.

The Tuart Forest National Park is located one kilometre north of the application area. There are two occurrences of priority ecological community Southern Eucalyptus gomphocephala- Agonis flexuosa woodland (P3) within the National Park. The proposed clearing of two native trees will not significantly impact upon the environmental values of this ecological community or the conservation area.

The clearing of two trees is not likely to cause appreciable land degradation, impact on water quality or cause or exacerbate the incidence or intensity of flooding.

The assessment has found that the clearing under application is not likely to be at variance to any of the clearing principles.

Methodology Commonwealth of Australia (2001)
Government of Western Australia (2014)
Harewood (2015)
Keighery, B.J. (1994)

GIS Databases
- NWLRA, Extent of Native Vegetation
- Pre-European vegetation
- SAC Biodatasets - accessed May 2014
- Parks and Wildlife Tenure
- Geomorphic wetlands (Classification), Swan Coastal Plain
- RAMSAR, Wetlands
- EPP, SCP Lakes
- EPP, Wetlands

Planning instruments and other relevant matters.

Comments The applicant proposes to clear two native trees within Mallokup Road reserve, Stirling Estate, for the purpose of road reconstruction.

The area under application falls within the Busselton-Capel Groundwater Area, the Capel River and Tributaries Area and the Capel River System Surface Water Area and Irrigation district proclaimed under the Rights in Water and Irrigation Act (1914).

There have been three public submissions (A, B, C 2015) received in response to the proposed clearing. The concerns of the submissions include the following:

- The two trees proposed to be cleared may contain habitat for local fauna;
 - The two trees proposed to be cleared are ancient Tuarts and are of significance in the local environment;
 - The road reconstruction and the clearing may not be necessary if the speed limit of the road is reduced.
- The environmental concerns raised have been addressed in the assessment against the clearing principles.

In an effort to explore ways of minimising tree clearing, the Shire has undertaken eight designs introducing various shifts in the road reconstruction alignment. Option eight was chosen as it had the least environmental impact, involving two trees on the eastern side of the road reserve being removed. The trees on the western side of the road reserve are more desirable to be retained as they are ancients with significant nooks and hollows for fauna habitat (Shire of Capel 2015).

Methodology References
Shire of Capel (2015)
Submission A (2015)
Submission B (2015)
Submission C (2015)

GIS Databases:
- RIWI Act, Areas
- RIWI Act, Groundwater Areas
- RIWI Act, Surface Water Areas & Irrigation districts
- NWLRA, Extent of Native Vegetation

4. References

- Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.
Government of Western Australia (2014) 2014 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of June 2014. WA Department of Parks and Wildlife, Perth.
Harewood, G. (2015) Fauna Habitat Assessment – Clearing Permit Application CPS 6588/1 – Mallokup Road, Capel. July 2015. DER Ref: A936971
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, Extent, Type and Status. Resource Management Technical Report 249. Department of Agriculture, Western Australia.
Shire of Capel (2015) Shire of Capel. MINUTES. ORDINARY COUNCIL MEETING Wednesday 27th May 2015. DER Ref: A926240
Submission A (2015) Direct interest submission for CPS 6588/1. DER Ref: A922899
Submission B (2015) Direct interest submission for CPS 6588/1. DER Ref: A923049
Submission C (2015) Direct interest submission for CPS 6588/1. DER Ref: A923753