



1. Application details

1.1. Permit application details

Permit application No.: 7127/1
Permit type: Area Permit

1.2. Applicant details

Applicant's name: Mr Joseph Peter Graham

1.3. Property details

Property: Lot 27519 on Deposited Plan 206862, Karlgarin
Local Government: Shire of Kondinin
Authority:
DER Region: Greater Swan
DPaW District: Great Southern
Localities: Karlgarin

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
410.28		Mechanical Removal	Cropping and pasture

1.5. Decision on application

Decision on Permit Application: Refused
Decision Date: 28 October 2016
Reasons for Decision: The clearing permit application to clear 410.28 hectares of native vegetation for the purpose of cropping and pasture was received on 17 June 2016.

The application has been assessed against the clearing principles, planning instruments and other matters in accordance with s51O of the *Environmental Protection Act 1986*.

The Delegated Officer determined that the proposed clearing is seriously at variance to Principle (g), given the potential for off-site salinity and on-site acidity. Under section 51O(3) of the EP Act, the CEO may make a decision that is seriously at variance with the clearing principles if, and only if, in the CEO's opinion there is a good reason for doing so.

An assessment against the remaining clearing Principles has not been conducted given the significant environmental impact in the form of land degradation that will occur if clearing is carried out.

In deciding to refuse the clearing permit application, the Delegated Officer also had regard to advice from the Commissioner of Soil and Land Conservation that 402.68 hectares of the 410.28 hectare application area is subject to a soil conservation notice (SCN) issued under the *Soil and Land Conservation Act 1945* (SLC Act) on 28 December 1995 and advice from the Shire of Kondinin that planning approval was required.

With regard to the SCN, it directs the Registered Proprietor of the Land to refrain from clearing areas of native vegetation on the land as a result of the identified off-site salinity risk. Under section 51D(3) of the *Environmental Protection Act 1986*, the granting of a clearing permit has no effect where the area is subject to a soil conservation notice.

State policies and other relevant policies have been taken into consideration in the decision to grant a clearing permit.

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
Two Beard vegetation associations have been mapped within the application area: Beard vegetation association 128 is described as bare areas; rock outcrops; and Beard vegetation association 960 is described as shrublands; mallee scrub, redwood and black marlock (Shepherd et al., 2001). Based on aerial imagery and photographs of the application area provided by the Commissioner of Soil and Land Conservation (Commissioner), the vegetation within the application area is representative of Beard vegetation association 960 (CSLC, 2016). No vegetation within the application area is representative of Beard vegetation association 128.	The applicant proposes to clear up to 410.28 hectares of native vegetation for the purpose of cropping and pasture.	Completely degraded; No longer intact; completely/almost completely without native species (Keighery, 1994); To: Very Good; Vegetation structure altered; obvious signs of disturbance (Keighery, 1994).	Vegetation condition was determined via aerial imagery and photographs of the application area provided by the Commissioner (CSLC, 2016). Based on available information, the majority of native vegetation within the application is in good to very good (Keighery, 1994) condition. The vegetation in a completely degraded (Keighery, 1994) condition includes approximately 12 hectares of native vegetation that has been recently cleared (CSLC, 2016). A Soil Conservation Notice (SCN) issued under the <i>Soil and Land Conservation Act 1945</i> on 28 December 1995 protects 402 hectares of native vegetation within Lot 27519. The Notice is registered as a Memorial over the Certificate of Title.

3. Assessment of application against clearing principles

Comments The applicant proposes to clear up to 410.28 hectares of native vegetation within Lot 27519 on Deposited Plan 206862, Karlgarin, for the purpose of cropping and pasture. Based on available information, including site inspection information provided by the Commissioner, the application area contains native vegetation in a completely degraded to very good (Keighery, 1994) condition. The majority of the application area is in a good to very good (Keighery, 1994) condition. The vegetation in a completely degraded (Keighery, 1994) condition comprises approximately 12 hectares of native vegetation that has been recently cleared (CSLC, 2016).

There are four minor, non-perennial watercourses mapped within the application area. Two wetlands are mapped within 500 metres of the application area.

The Commissioner advised that the soils within the application area range from deep loamy gravels to brown and grey alkaline duplexes to calcareous loamy earths that become saline on the lower slopes (CSLC, 2016).

The Commissioner advised that the WA Department of Agriculture and Food (DAFWA) soil landscape mapping indicates that the application area comprises of the following two soil types:

- Bending 1 Subsystem: Weakly expressed and weakly indurated breakaways flanked by extensive gently undulating colluvial backslopes of yellow sandplain with gravels forming in mafic areas. Proteaceae heath with mallee patches; and
- Bending 3 undifferentiated Phase: Gently undulating colluvial slopes with very little outcrop, dominated by alkaline duplexes under mallee woodlands and heavy lower slope soils with salmon gum and gimlet woodlands (DAFWA, 2016).

The Commissioner arranged a site inspection which was conducted by DAFWA on 8 August 2016. The site inspection identified the condition of the vegetation under application (outlined above) and noted that significant off-site salinity was observed approximately five kilometres south-east of the application area (CSLC, 2016). The application area is located on an upper and mid slope in the landscape. The Commissioner advised that the proposed clearing will increase groundwater recharge that will in turn lead to significant off-site salinity on land downslope of the application area (CSLC, 2016).

The Commissioner advised that the most significant land degradation risks associated with the proposed clearing are an incremental increase in off-site salinity and on-site acidity. The Commissioner noted that the proposed clearing (and development for dry land crop and pasture production) will result in increased groundwater recharge that will in the medium to long term be expressed as increased salinity on land downgradient.

The Commissioner also noted that the available mapping indicates that some soils occurring with the application area are inherently too acidic for optimum crop and pasture growth and that farming of untreated acid soils can result in increased ground water recharge and subsequent salinity due to the restricted yield potential where soil pH<4.5 occurs.

The Commissioner concluded that the proposed clearing may cause appreciable land degradation in the forms of salinity and acidity and is likely to be seriously at variance to Principle (g).

An assessment against the remaining clearing Principles has not been conducted given the significant environmental impact in the form of land degradation that will occur if clearing is carried out.

Methodology References:
CSLC (2016)
DAFWA (2016)
Keighery (1994)

GIS Databases:
- Aerial imagery
- Hydrography, linear
- Remnant vegetation
- Topography, statewide

Planning instruments and other relevant matters.

Comments The applicant proposes to clear up to 410.28 hectares of native vegetation within Lot 27519 on Deposited Plan 206862, Karlgarin, for the purpose of cropping and pasture.

The Shire of Kondinin advised that the proposed clearing requires planning approval as it involves the clearing of more than 2,000 square metres of indigenous trees or substantial vegetation in a rural zone (Shire of Kondinin, 2016).

A total of 402.68 of the 410.28 hectares within the application area is subject to a Soil Conservation Notice issued under the *Soil and Land Conservation Act 1945* (SLC Act) on 28 December 1995. The SCN directs the Registered Proprietor of the Land to refrain from clearing areas of native vegetation on the land as a result of the identified off-site salinity risk.

Under section 51D(3) of the *Environmental Protection Act 1986*, the granting of a clearing permit has no effect where the area is subject to a soil conservation notice.

The Commissioner advised that the clearing permit application is considered to be a request to discharge the SCN and noted that a SCN may be discharged where the SCN has been fully complied with, is no longer necessary, or some other just cause exists (CSLC, 2016). The Commissioner advised that the SCN has not been fully complied with, as site inspection conducted by DAFWA on 29 August 2016 identified that some areas of native vegetation within the application area and subject to the SCN has been cleared (CSLC, 2016). The Commissioner advised that the applicant will be contacted separately to inform them of the decision in relation to the SCN over the property.

Satellite imagery indicates that approximately 12 hectares has been recently cleared. An investigation into this clearing is being undertaken by the Department of Environment Regulation (DER). This matter will be considered separately to the clearing permit application.

As detailed above, the Commissioner also noted in his advice that some of the soil types mapped within the application area are too acidic for optimum crop and pasture growth, and that the farming of untreated acid soils has a restricted yield potential that can result in increased groundwater recharge and subsequent salinity (CSLC, 2016).

The clearing permit application was advertised in *The West Australian* on 18 July 2016 for a 21 day public submission period. Two submissions were received within the specified submission period, and the following matters were raised:

- Impacts to a potential threatened ecological community;
- Impacts to a significant remnant of native vegetation within an extensively cleared area;
- Impacts to conservation significant flora and fauna;
- Potential for increased salinity;
- Request for DER to investigate past impacts to native vegetation within the application area apparent on Google aerial imagery; and
- Lack of supporting information provided by the applicant.

The assessment of the application determined that the proposed clearing is seriously at variance to Principle (g) due to the land degradation risks associated with clearing of native vegetation. Under section 51O(3) of the EP Act, the CEO may make a decision that is seriously at variance with the clearing principles if, and only if, in the CEO's opinion there is a good reason for doing so.

Given this identified significant environmental impact, the environmental impacts identified by the Commissioner as a result of subsequent land use and that the majority of the area is subject to a SCN preventing clearing on the land, no further assessment against the remaining clearing principles has been undertaken.

On 22 September 2016, a DER Delegated Officer wrote to the applicant advising that a preliminary assessment of the application identified a significant land degradation risk from the proposed clearing and that 402.68 hectares of the 410.28 hectare area under application is subject to a SCN. The Delegated Officer advised of the intent to refuse the application for a clearing permit and provided the applicant with 30 days in which to make submissions on the proposed decision.

At the date of this decision, no submission was received from the applicant.

Methodology References:
 CSLC (2016)
 Keighery (1994)
 Shire of Kondinin (2016)

4. References

- Commissioner of Soil and Land Conservation (CSLC) (2016) Advice received from the Commissioner of Soil and Land Conservation on 9 September 2016. DER REF: A1162857.
- Department of Agriculture and Food Western Australia (DAFWA) (2016) NRMInfo (Natural Resource Management) Portal. Department of Agriculture and Food Western Australia. URL: <http://maps.agric.wa.gov.au/nrminfo/>. Accessed September 2016.
- 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 Kondinin (2016) Advice received from the Shire of Kondinin on 30 September 2016. DER REF: A1182659.