GOVERNMENT OF
WESTERN AUSTRALIA

CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS
Area Permit Number: 7310/2
File Number: DER2016/001944
Duration of Permit: 7 January 2017 to 7 January 2020

PERMIT HOLDER
Public Transport Authority of Western Australia

LAND ON WHICH CLEARING IS TO BE DONE
Lot 413 on Deposited Plan 409728, Kenwick

AUTHORISED ACTIVITY
The Permit Holder shall not clear more than 0.04 hectares of native vegetation within the area cross hatched yellow on attached Plan 7310/2.

CONDITIONS

1. Avoid, minimise and reduce the impacts and extent of clearing
In determining the amount of native vegetation to be cleared authorised under this Permit, the Permit Holder must have regard to the following principles, set out in order of preference:
(a) avoid the clearing of native vegetation;
(b) minimise the amount of native vegetation to be cleared; and
(c) reduce the impact of clearing on any environmental value.

2. Records to be kept
The Permit Holder must maintain the following records in relation to the clearing of native vegetation authorised under this Permit:
(a) 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 or decimal degrees;
(b) the date that the area was cleared;
(c) the size of the area cleared (in hectares); and
(d) actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 1 of this Permit..

3. Reporting
The Permit Holder must provide to the CEO the records required under condition 2 of this Permit, when requested by the CEO.

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

CEO: means the Chief Executive Officer of the Department responsible for the administration of the clearing provisions under the *Environmental Protection Act 1986*.


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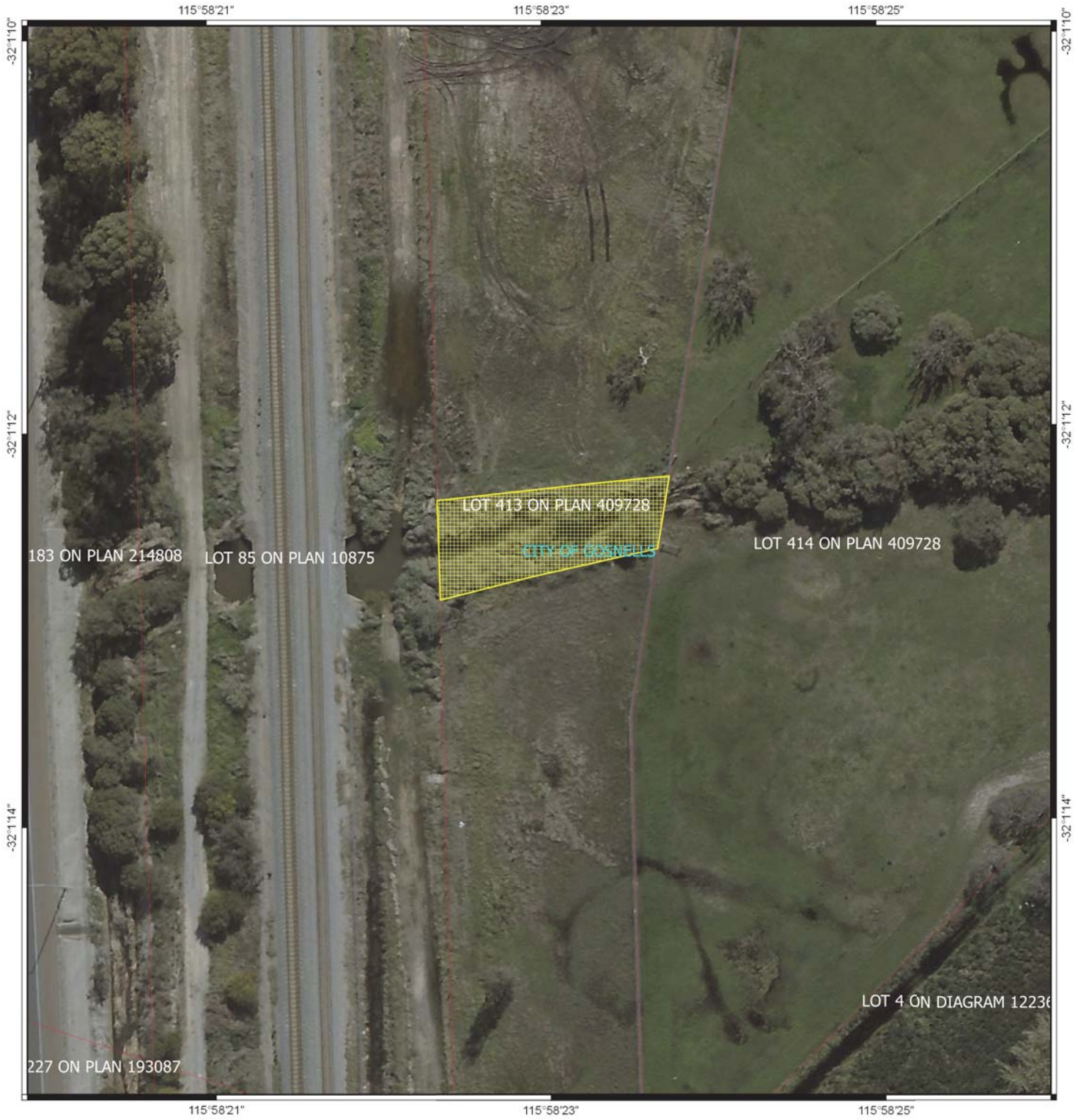
Ryan Mincham
MANAGER
NATIVE VEGETATION REGULATION

Officer delegated under Section 20
of the Environmental Protection Act 1986

7 January 2019

Plan 7310/2



Legend

- CPS areas approved to clear
- Local Government Authorities
- Cadastre

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

GOVERNMENT OF
WESTERN AUSTRALIA

Government of Western Australia
Department of Water and Environmental Regulation

Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 7310/2
Permit type: Area Permit

1.2. Applicant details

Applicant's name: Public Transport Authority of Western Australia

1.3. Property details

Property: LOT 413 ON DEPOSITED PLAN 409728, KENWICK
Local Government Authority: CITY OF GOSNELLS
DER Region: Greater Swan
DPaW District: SWAN COASTAL
Localities: KENWICK

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
0.04		Mechanical Removal	Building or structure

1.5. Decision on application

Decision on Permit Application: Granted
Decision Date: 7 January 2019
Reasons for Decision: The clearing permit application has been assessed against the clearing principles, planning instruments and other matters in accordance with s51O of the *Environmental Protection Act 1986*, and the proposed clearing is at variance to Principle (f), may be at variance to Principle (i) and is not likely to be at variance to any of the remaining clearing principles.

Through assessment the Delegated Officer has determined that the proposed clearing will impact on vegetation growing in association with the Yule Brook (a major tributary) and a multiple use wetland. While the proposed clearing may initially cause some increased sedimentation of the tributary, the Delegated Officer determined that given the extent of clearing and degraded condition of the application area, impacts to the tributary are likely to be short term and minimal.

The applicant has received development approval from the City of Gosnells for the proposed works. This approval was received on 25 July 2018.

In determining to grant a clearing permit subject to conditions, the Delegated Officer found that the proposed clearing is unlikely to lead to an unacceptable risk to the environment.

2. Site Information

Clearing Description The application is to clear up to 0.04 hectares of native vegetation within Lot 413 on Deposited Plan 409728, Kenwick, for the purpose of constructing a rail freight facility.

Vegetation Description Heddle vegetation Guildford complex is comprised of a mixture of open forest to tall open forest of *Corymbia calophylla* (Marri) - *Eucalyptus wandoo* (Wandoo) - *Eucalyptus marginata* (Jarrah) and woodland of *Eucalyptus wandoo* (Wandoo) (with rare occurrences of *Eucalyptus lane-poolei* (Salmon White Gum)). Minor components include *Eucalyptus rudis* (Flooded Gum) - *Melaleuca rhaphiophylla* (Swamp Paperbark) (Heddle et al., 1980).

Vegetation Condition Degraded; Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994).

The vegetation condition was determined via aerial imagery and a Flora and Black Cockatoo Habitat Assessment (the Assessment) undertaken by GHD (2016). The Assessment identified that the application area comprises *Melaleuca rhaphiophylla* low open woodland over *Typha domingensis* sparse rushland over exotic grasses (GHD, 2016).

Figure 1: Application area

3. Assessment of application against clearing principles

The application to clear up to 0.04 hectares of native vegetation within Lot 413 on Deposited Plan 409728, Kenwick, for the purpose of constructing a rail freight facility.

This amendment has been made to extend the permit duration by one year. Property details have also been updated to reflect the new cadastral information. Given that this is an administrative amendment to the permit, a reassessment against the clearing principles would not normally occur, however, due to the public interest in this project a reassessment has been undertaken and is outlined below.

The assessment undertaken by GHD identified that the application area is in a degraded (Keighery, 1994) condition and is comprised of *Melaleuca rhaphiophylla* low open woodland over *Typha domingensis* sparse rushland over exotic grasses (GHD, 2016).

A review of databases indicate that no rare or priority flora are recorded within the application area. The closest mapped conservation significant flora species is *Aponogeton hexatepalus* (Priority 4), an aquatic perennial herb, which is located within the Roe Highway road reserve, approximately 270 metres from the application area. The assessment undertaken by GHD (GHD, 2016), did not record any conservation significant flora within the application area, or the adjacent area during the field survey. Given this, the application area is not considered to comprise a high level of biodiversity or comprise suitable habitat for rare or priority flora.

A review of databases indicate that no conservation significant fauna species have been recorded within the application area. The closest recorded conservation significant fauna species is Carnaby's cockatoo (*Calyptorhynchus latirostris*), located approximately 140 metres from the application area within the Roe Highway road reserve. The assessment undertaken by GHD found evidence of black cockatoos foraging within the larger survey area (0.62 hectares) (GHD, 2016), however, noting the application area comprises of *Melaleuca* sp and *Typha* sp, it is not considered to comprise of foraging habitat for black cockatoos. The proposed clearing is not likely to impact conservation significant fauna species.

The application area is located approximately 140 metres from the *Shrublands and Woodlands on Muchea Limestone* threatened ecological community (TEC). The vegetation within the application area is inconsistent with this TEC and not likely to be necessary for the maintenance of this TEC.

The application area is located within the Swan Coastal Plain IBRA bioregion and is mapped as the Guildford vegetation complex, which retain approximately 39 and five per cent of their pre-European extents respectively (Heddle et al., 1980; Government of Western Australia, 2018a and b). The National Objectives and Targets for Biodiversity Conservation 2001-2005 include a target to have clearing controls in place that prevent clearance of ecological communities with an extent below 30 per cent of that present pre-1750 (Commonwealth of Australia, 2001). The Guildford complex falls below the 30 per cent threshold level, however, given the relatively small extent and degraded condition of the vegetation within the application area it is not considered to be a significant remmant. The proposed clearing does not contain vegetation that would be a significant remnant in an area that has been extensively cleared.

A modified section of Yule brook, which is a major tributary of the Canning River, intersects the application area. The application area is also mapped as a multiple use wetland. Vegetation within the application area is considered riparian and is described as

Melaleuca rhaphiophylla low open woodland over *Typha domingensis* sparse rushland over exotic grasses (GHD, 2016). The proposed clearing will impact on vegetation growing in association with a watercourse.

The soil within the application area is mapped within the Env Geol Ms4 Phase, and is described as sandy silt, with light yellow brown, blocky, mottled, some fine to medium-grained sand, soft when moist, with variable clay content (Schoknecht *et al*., 2004). This mapped soil type is associated with a low subsurface acidification risk (less than three per cent of soil type is mapped as high acidification risk or presently acid), low wind erosion risk (10 to 30 per cent of soil type is mapped as high to extreme wind erosion risk), low to moderate salinity risk (30 to 50 per cent of the soil type is mapped as moderate to high salinity risk or presently saline), moderate flood risk (50 to 70 per cent of the soil type is mapped as moderate to high flood risk), and moderate to high water erosion risk (50 to 70 per cent of the soil type is mapped as high to extreme water erosion risk) (Schoknecht *et al*., 2004). The assessment undertaken by GHD identified that mapped Acid Sulphate Soils (ASS) have a low to extremely low probability of occurance (very low confidence) within the application area (GHD, 2016). While the proposed clearing may initially cause increased sedimentation of the tributary and potentially impact surface water quality, given the extent of clearing proposed, the degraded (Keighery, 1994) vegetation condition (GHD, 2016) and that surface water flow will be maintained, impacts to the tributary are likely to be short term and minimal. The proposed clearing is not likely to cause appreciable land degradation, or cause or exacerbate the incidence or intensity of flooding.

There are no conservation areas located within, or directly adjacent to the application area. Within a one kilometre radius of the application area there is one conservation area, Kenwick Wetlands, which also incorporates Bush Forever Area 387, known as the Greater Brixton Street Wetlands, Kenwick. This conservation area covers approximately 180 hectares, and is located approximately 280 metres south east of the application area. The land between the application area and the conservation area comprises a mix of cleared farmland, residential properties and a small industrial site. The conservation area, 'Canning River Regional Park and adjacent bushland, Riverton to Langford' (Bush Forever Area 224) is located approximately 2.5 kilometres south west (downstream) of the application area. Downstream of the application area, Yule Brook has been highly modified where it transects a railway, highway, and urban environments. This conservation area comprises a mix of wetland management categories including, multiple use, resource enhancement, and conservation. Given the relatively small area proposed to be cleared and the highly modified environments separating the application area from these conservation areas, the proposed clearing is not likely to impact on the environmental values of any conservation area.

Consideration has been given to potential impacts to biodiversity, significant fauna habitat, rare flora, threatened ecological communities, remnant vegetation values, wetlands and watercourses, conservation areas and to the risk of land degradation, deterioration in water quality, and flooding. The assessment has found that the proposed clearing is at variance to Principle (f), may be at variance to Principle (i) and is not likely to be at variance to any of the remaining clearing principles.

Planning instruments and other relevant matters

The City of Gosnells advised that it has no objection to the proposed clearing (City of Gosnells, 2016). The City of Gosnells advised that the proposed clearing is consistent with the City of Gosnells Town Planning Scheme No.6, and that planning approval is required (City of Gosnells, 2016). The applicant received the required planning approval from the Western Australian Planning Commission (WAPC) for the Kenwick Rail Freight Facility on 25 July 2018 (DWER Ref. A1732050).

The applicant will maintain surface water flow via the implementation of an Urban Water Management Plan (UWMP), which has been reviewed by the Western Australian Planning Commission, City of Gosnells, and the Water Corporation (DWER Ref. A1751210).

The clearing permit application was advertised on the DWER website on 25 October 2018 with a seven day submission period. Seven public submissions were received in relation to this application. In general these submissions were centred on potential impacts to the Greater Brixton Street Wetlands, and raised the following concerns:

- The Environmental Protection Authority (EPA) is currently conducting an Environmental Review of the City of Gosnells Local Planning Scheme 6, Amendment 166, in the Precinct 3B in Maddington Kenwick Strategic Employment Area. Submissions cited a preference to delay a decision on clearing permit application CPS 7310/2 until after the finalisation of the EPA review.

- Clearing of riparian vegetation is not consistent with best practice waterway management, recommendations for riparian vegetation buffers provided by Western Australian Planning Commission (WAPC) guidelines (WAPC, 2005), or with the District Water Management Strategy produced for the City of Gosnells (TME, 2014).

- The proposed clearing may impact on local environmental values, and disrupt an ecological linkage between the Darling Scarp and the Greater Brixton Street Wetlands ecosystem (and Bush Forever Area 387).

- The application area is located within a mapped environmentally sensitive area (ESA) and the clearing permit application should not be approved on these grounds.

- Aboriginal heritage sites are located within the local area, therefore an ethnographic field survey should be conducted.

- The soil within the application has a moderate to high potential for ASS and there is potential for ASS to impact the local environment.

- Avoid/minimise measures need to be considered.

DWER provides the following response to the points raised above:

- DWER's Native Vegetation Regulation Branch has received advice confirming that there is no statutory constraint, under the *Environmental Protection Act 1986*, on Decision-Making Authorities in respect to decisions that relate to a planning scheme or scheme amendment currently being assessed by the EPA. As such there is no statutory constraint on DWER in deciding a clearing application or amendment due to the fact that the EPA is currently considering a related scheme amendment.

- The City of Gosnells and the WAPC have approved the development of the Kenwick Rail Freight facility. Impacts to the watercourse are addressed under the assessment of the clearing principles above.

- Impacts to local environmental values have been addressed in the assessment of the clearing principles above.

- The ESA mapped over the application area is a buffer to a threatened ecological community (TEC). According to the *Environmental Protection (Environmentally Sensitive Areas) Notice 2005,* buffers to TEC are not ESAs and therefore this was not a consideration in the assessment. Impacts to nearby TECs have been addressed in the assessment of the clearing principles above.

- This assessment found that there are no Aboriginal Sites of Significance mapped within the application area. The Aboriginal Site of Significance, Yule Brook Farm 02, is located approximately 30 metres from the application area, and it is considered that the proposed clearing would not significantly impact this site. It is the applicant's responsibility to manage any requirements under the *Aboriginal Heritage Act, 1972*.

- DWER considers that given the extent of the proposed clearing it is not likely to have significant impacts to land degradation, and that conditions stipulated in the development approval are sufficient to ameliorate ASS risk. Conditions of the development approval require the applicant to conduct an ASS assessment, and if a requirement is identified by the ASS assessment, develop an ASS Management Plan.

- Communication from the applicant confirmed that avoid/minimise considerations for the proposed clearing will be implemented to the extent possible due to the requirement of an access road spanning the width of the property at the location of the application area. A standard condition for avoidance and minimisation of clearing has been imposed on the amended clearing permit.

4. References

Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.

GHD (2016) Flora and Black Cockatoo Habitat Assessment. Kenwick Freight Facility. Additional Information for Clearing Permit Application CPS 7310/1. DER Ref A1173915.

Government of Western Australia (2018a) 2017 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of December 2017. WA Department of Biodiversity, Conservation and Attractions. https://catalogue.data.wa.gov.au/dataset/dbca-statewide-vegetation-statistics

Government of Western Australia (2018b) 2017 South West Vegetation Complex Statistics. Current as of October 2017. WA Department of Biodiversity, Conservation and Attractions, Perth, https://catalogue.data.wa.gov.au/dataset/dbca

Heddle, E. M., Loneragan, O. W., and Havel, J. J. (1980) Vegetation Complexes of the Darling System, Western Australia. In Department of Conservation and Environment, Atlas of Natural Resources, Darling System, Western Australia.

Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.

Schoknecht, N., Tille, P. and Purdie, B. (2004) Soil-landscape mapping in South-Western Australia – Overview of Methodology and outputs' Resource Management Technical Report No. 280. Department of Agriculture.

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

TME (2014) Maddington Kenwick Strategic Employment Area Precincts 2 and 3 District Water Management Strategy. Prepared by Town Planning Management Engineering for the City of Gosnells, May, 2014.

WAPC (2005). Guidelines for the Determination of Wetland Buffer Requirements. For Public Comment. Western Australian Planning Commission, Perth, Western Australia.

GIS databases:

- CPS Areas applied to clear
- NatureMap (conservation significant fauna)
- DAFWA Subsystems V5
- Soils of WA
- Vegetation Complexes – SCP
- Managed Tenure
- Environmentally Sensitive Areas
- TPFL Data October 2018
- WAHerb Data October 2018
- Aboriginal Sites Register
- IBRA Vegetation WA
- WA TEC PEC
- Land Degradation Hazards