



1. Application details

1.1. Permit application details

Permit application No.: 7332/1

Permit type: Area Permit

1.2. Applicant details

Applicant's name: Ms Joan Beatrice Whyte
Mr Raymond Neville Whyte

1.3. Property details

Property: LOT 578 ON PLAN 229465, WELBUNGIN
Local Government Authority: MOUNT MARSHALL, SHIRE OF
DER Region: Greater Swan
DPaW District: CENTRAL WHEATBELT
Localities: WELBUNGIN

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
63		Mechanical Removal	Grazing & pasture

1.5. Decision on application

Decision on Permit Application: Refusal

Decision Date: 27 April 2017

Reasons for Decision: The application for a permit to clear 63 hectares of native vegetation for the purpose of agriculture was received on 24 October 2016.

The application has been assessed in accordance with the requirements of section 51O of the *Environmental Protection Act 1986* (EP Act).

Decision to refuse the application:
The Delegated Officer determined that the proposed clearing is seriously at variance to Principle (g), given the potential for salinity, waterlogging, eutrophication and water erosion. 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.

Clearing that has a significant impact on the environment is generally not supported unless there is a good reason for allowing the impacts, such as public benefit or an underlying State planning instrument or policy that identifies the area as a priority area that should be developed.

Noting the significant environmental impact in the form of land degradation identified during the assessment of the application, the Delegated Officer determined to refuse to grant a clearing permit.

An assessment was not conducted against the remaining clearing Principles given the assessment of land degradation impacts..

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 application area has been mapped as the following Beard vegetation associations: 1061: Mosaic: Medium sparse woodland; salmon gum & yorrell /	The applicant proposes to clear 63 hectares of native vegetation within Lot 578 on Deposited Plan 229465, Welbungin, for the purpose of agriculture.	Degraded; Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994).	The majority of the application area is in a completely degraded (Keighery, 1994) condition consisting of scattered shrubs over saltbush and grasses. Dominant shrubs observed within the application area are; <i>Acacia colletioides</i> , <i>Acacia ?daphnifolia</i> ,

Succulent steppe;
saltbush & samphire.

141: Medium woodland;
York gum, salmon gum
& gimlet.

(Shepherd et al., 2001).

Eremophila caperata and *Grevilla*
sp..

The application area contains
approximately five dampland
areas which consists of Samphire.
These areas are in a degraded
(Keighery, 1994) condition.

The condition and description of
the application area was
determined by a site inspection
undertaken by the Department of
Environment Regulation (DER) on
13 December 2016 (DER, 2016).

3. Assessment of application against clearing principles

Comments

The applicant proposes to clear 63 hectares of native vegetation within Lot 578 on Deposited Plan 229465, Welbungin, for the purpose of agriculture.

A site inspection undertaken by Department of Environment Regulation officers on 13 December 2016 determined that the majority of the application area is in a completely degraded (Keighery, 1994) condition consisting of scattered shrubs over saltbush and grasses (DER, 2016). Dominant shrubs observed within the application area are; *Acacia colletioides*, *Acacia ?daphnifolia*, *Eremophila caperata* and *Grevilla* sp.. Five dampland areas which consist of Samphire were observed within the application area. These areas are in a degraded (Keighery, 1994) condition (DER, 2016).

The application area is located within and on the margins of Lake Mc Dermott, a salt wetland lake system within the Swan-Avon Yilgarn suite1 (Department of Parks and Wildlife, 2016).

Mapping of the application area identifies that:

- Salinity risk: The north-eastern corner of the application area is within a map unit of which 50 to 70 per cent has a moderate to high salinity risk or is presently saline. The remainder is within a map unit of which over 70 per cent has a moderate to high salinity risk or is presently saline;
- Waterlogging: The application area is within a map unit of which over 70 per cent has a moderate to high risk of waterlogging;
- Subsurface compaction: two-thirds of the application area is within a map unit of which 50 to 70 per cent has a high subsurface compaction risk.
- Subsurface acidification: there is a low likelihood that the application area has a high subsurface acidification risk or is presently acid;
- Wind erosion: there is a low likelihood that the application area has a high risk of water erosion;
- Water repellance: there is a low likelihood that the application area has a high risk of water repellance; and
- Water erosion: there is a low likelihood that the application area has a high risk of water erosion.

The Commissioner of Soil and Land Conservation (Commissioner; CSLC) arranged a site inspection which was conducted by the Department of Agriculture and Food Western Australia (DAFWA) on 6 December 2016. DAFWA provided a land degradation report based on the results of the inspection.

The land degradation report noted that "salinity is already present on the proposed area to clear" and that "the removal of native trees vegetation is expected to have a significant effect on salinity in the area. Significant change is expected as most of the area is presently saline". The report also noted that "the risk of eutrophication is likely on these soil types under waterlogging conditions" and the risk of eutrophication causing land degradation and the risk of water erosion causing land degradation are both very high (CSLC, 2016).

DAFWA's land capacity mapping indicates that the application area is largely comprised of Wallambin system, map unit 258Wa and a lesser area of Kellerberrin, Mukinbudin subsystem map unit 258KbMu on the north eastern side of the application area (CSLC, 2016).

The dominant Wallambin system is broad valley floor dominated by salt lakes with minor dunes. The soils are salt lake soils and calcareous loamy earths that support samphire, saltbush and bluebush with some bare areas (CSLC, 2016). These soils are rated as having mainly low capacity for the intended agricultural land use (CSLC, 2016).

The risk of the proposed clearing causing land degradation in the forms of salinity, waterlogging, eutrophication and water erosion is high to very high (CSLC, 2016). The risk of appreciable land degradation occurring as a result of the proposed clearing and subsequent land use is assessed to be high.

Based on the Commissioner's advice, DER's site inspection findings and land degradation mapping, it has been determined that the proposed clearing is seriously at variance to Principle (g) (native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation).

Therefore, the proposed clearing of 63 hectares of native vegetation is likely to have an unacceptable risk to

the environment.

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:
Department of Parks and Wildlife (2016)
DER (2016)
CSLC (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 63 hectares of native vegetation within Lot 578 on Deposited Plan 229465, Welbungin, for the purpose of agriculture. During the site inspection, the applicant advised that they do not intend to clear the whole area for agriculture. The applicant advised that he would like to clean up the area, that large shrubs will be retained and he will use machinery to clear lines to plant salt bush as fodder for the sheep.

During DER's site inspection the applicant advised that he will run sheep within the application area (DER, 2016). It is noted that unless uncleared native vegetation within the application area is fenced from the cleared lines, additional clearing of native vegetation may occur via grazing.

The applicant is advised that the definition of clearing in the *Environmental Protection Act 1986* includes 'grazing of stock'. DER's 'A guide to grazing of native vegetation under Part V Division 2 of the *Environmental Protection Act 1986*', sets out the requirements of the EP Act in relation to the grazing of native vegetation, including when grazing of native vegetation is clearing for the purposes of the Act. A copy has been provided to the applicant to assist in understanding the requirements.

The Shire of Mount Marshall has advised that it has no objection to the proposed clearing and that the project is consistent with the local Town Planning Scheme and planning approval is not required (Shire of Mount Marshall, 2016).

A direct interest response has been received from the Mount Marshall Land Conservation District Committee (LCDC) advising that it raises no objection to the proposed clearing (Mount Marshall LCDC, 2016).

The application was received by the Department of Environment Regulation on 24 October 2016 and advertised in *The West Australian* newspaper on 21 November 2016 for a period of 21 days. No submissions from the public were received in relation to this application.

No Aboriginal Sites of Significance have been recorded within the application area.

The Commissioner noted in his advice that the soil types within the application area are rated as having mainly low capability for the intended agricultural land use (CSLC, 2016). The Commissioner advised that the risk of land degradation occurring as a result of clearing and the subsequent land use is high, and concluded that the proposed clearing is seriously at variance with the clearing principle relating to land degradation.

Under Section 51O(3) the Chief Executive Officer may make a decision that is seriously at variance with the clearing principles if, and only if, in the Chief Executive Officer's opinion there is a good reason for doing so. Clearing that has a significant impact on the environment is generally not supported unless there is a good reason for allowing the impacts, such as public benefit or an underlying State planning instrument or policy that identifies the area as a priority area that should be developed. In this instance, there are no State planning policies that relate to the application area.

On 24 February 2017, 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. 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

DER (2015)
DER (2016)
Mount Marshall LCDC (2016)
Shire of Mount Marshall (2016)

GIS Databases:
Environmentally Sensitive Areas

4. References

- Commissioner of Soil and Land Conservation (2016) Land degradation assessment report for Clearing Permit Application CPS 7332/1. Department of Agriculture and Food Western Australia (DER Ref: A1358918).
- Department of Environment Regulation (DER) (2015) A guide to grazing of native vegetation under Part V Division 2 of the *Environmental Protection Act 1986*. Department of Environment Regulation, Perth. URL: https://www.der.wa.gov.au/images/documents/our-work/clearing-permits/A_guide_to_grazing_of_native_vegetation.pdf (accessed February 2017).
- Department of Environment Regulation (DER)(2016) Site Inspection Report for Clearing Permit Application CPS 7332/1. Site inspection undertaken 13 December 2016. Department of Environment Regulation, Western Australia (DER Ref: A1352037).
- Department of Parks and Wildlife (2016) Regional advice for clearing permit application CPS 7332/1. Received on 7 December 2016 (DER Ref: A1340547).
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Mount Marshal Land Conservation District Committee (2016) Submission in relation to clearing permit application CPS 7332/1. Received on 11 December 2016 (DER Ref: A1340206).
- Shepherd, D.P. Beeston, G.R. and Hopkins, A.J.M. (2002) Native Vegetation in Western Australia – Extent, Type and Status. Resource Management Technical Report 249, Department of Agriculture, Perth.
- Shire of Mount Marshall (2016) Planning and environment advice for clearing permit application CPS 7332/1. Received on 18 November 2016 (DER Ref: A1328647).