



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: 7354/1
File Number: DER2016/002262
Duration of Permit: From 28 May 2017 to 28 May 2019

PERMIT HOLDER

Damian Ivan Tomas

LAND ON WHICH CLEARING IS TO BE DONE

Lot 2820 on Deposited Plan 154423, Wialki

AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 22.98 hectares of native vegetation within the area hatched yellow on attached Plan 7354/1.

CONDITIONS

Nil.

A handwritten signature in blue ink, appearing to read "James Widenbar", written over a horizontal line.

James Widenbar
A/SENIOR MANAGER
CLEARING REGULATION

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

28 April 2017

Plan 7354/1

30.517272°S

30.517272°S

117.949367°E

117.977679°E



30.530494°S

30.530494°S

117.949367°E

117.977679°E

Legend

-  Imagery
-  Clearing Instruments Activities
-  Local Government Authority



1:14,393

(Approximate when reproduced at A4)
GDA 94 (Lat/Long)

Geocentric Datum of Australia 1994

James Wisdenberg Date *28/4/2017*
James Wisdenberg

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



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WESTERN AUSTRALIA
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1. Application details

1.1. Permit application details

Permit application No.: 7354/1
Permit type: Area Permit

1.2. Applicant details

Applicant's name: Mr Damian Ivan Tomas

1.3. Property details

Property: LOT 2820 ON PLAN 154423, WIALKI
Local Government Authority: MOUNT MARSHALL, SHIRE OF
DER Region: Greater Swan
DPaW District: CENTRAL WHEATBELT
Localities: WIALKI

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Granted
Decision Date: 28 April 2017

Reasons for Decision: The clearing permit application was received on 7 November 2016. This application was originally for a 29.45 hectare area which included a 6.47 hectare area containing very good (Keighery, 1994) condition vegetation, may have supported rare flora and was determined to be a significant remnant in an extensively cleared area. The applicant requested to amend the application to the current 22.98 hectare area to avoid potential impacts.

The amended application was assessed against the clearing principles, planning instruments and other matters in accordance with s51O of the *Environmental Protection Act 1986*. It has been concluded that the proposed clearing may be at variance to Principle (g), is not at variance to Principle (f) and is not likely to be at variance to any of the remaining clearing Principles.

The Delegated Officer determined that the proposed clearing may cause appreciable land degradation in the form of wind erosion. The Commissioner of Soil and Land Conservation advised that if similar current management practices are continuously employed the risk will be greatly reduced.

In deciding to grant a clearing permit the Delegated Officer took into consideration measures to avoid impacts, specialist advice and management measures proposed.

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 Beard vegetation association 551 which is described as 'Shrublands; <i>Allocasuarina campestris</i> thicket' (Shepherd et al., 2001).	The applicant proposes to clear 22.98 hectares of native vegetation within Lot 2820 on Deposited Plan 154423 (Ningham Location 2820), Wialki, for the purpose of grain cropping and grazing.	Degraded; Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994). to Completely Degraded; No longer intact, completely/almost completely without native species (Keighery, 1994).	The condition and description of the vegetation within the application area was determined via a site inspection conducted by Department of Environment Regulation (DER) officers on 13 December 2016. The application area is in a degraded to completely degraded (Keighery, 1994) condition (DER, 2016). Dominant species in the application area include; <i>Acacia</i> sp., <i>Hakea</i> sp., <i>Allocasuarina</i> sp., <i>Grevillea</i> sp., <i>Dicrastylis</i> sp. and <i>Waitzia nitida</i> (DER, 2016).

3. Assessment of application against clearing principles

(a) Native vegetation should not be cleared if it comprises a high level of biological diversity.

Comments **Proposed clearing is not likely to be at variance to this Principle**

The applicant proposes to clear 22.98 hectares of native vegetation within Lot 2820 on Deposited Plan 154423 (Ningham Location 2820), Wialki, for the purpose of cropping and grazing. The native vegetation with the application area is located within existing paddocks, and is in completely degraded to degraded (Keighery, 1994) condition. Dominant species in these areas include; *Acacia* sp., *Hakea* sp., *Allocasuarina* sp., *Grevillea* sp., *Dicrastylis* sp. and *Waitzia nitida* (DER, 2016).
The local area (10 kilometre radius) is extensively cleared with approximately 16 per cent (6,118) vegetation remaining.

Three rare flora species have been recorded within the local area (discussed further in Principle (c)). Based on known distribution and habitat requirements of these species and the degraded to completely degraded Keighery, 1994) condition of the application area rare flora is not likely to occur within the application area.

No priority flora or priority ecological communities have been recorded within the local area.

One fauna species listed as rare or likely to become extinct under the *Wildlife Conservation Act 1950* (WC Act) has been recorded within the local area, being; *Leipoa ocellata* (Malleefowl) (Parks and Wildlife, 2007-). This species requires an abundance of leaf litter for breeding. This habitat requirement is not present within the application area (discussed further in Principle (b)).

The application area is in a degraded to completely degraded (Keighery, 1994) condition, with the vegetation being scattered throughout a paddock which is currently being used for agricultural purposes (cropping). Given this, the proposed clearing is not likely to effect the dispersal of flora or fauna between areas of remnant vegetation by severing an ecological linkage.

Given the degraded to completely degraded (Keighery, 1994) condition of the application area it is unlikely to contain a high level of biodiversity and therefore the proposed clearing is not likely to be at variance to this Principle.

Methodology References:
DER (2016)
Parks and Wildlife (2007-)
Keighery (1994)

GIS Datasets:
SAC Bio Datasets – accessed December 2016

(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 **Proposed clearing is not likely to be at variance to this Principle**

One fauna species listed as rare or likely to become extinct under the WC Act has been recorded within the local area, being; *Leipoa ocellata* (Malleefowl) (Parks and Wildlife, 2007-).

The Malleefowl is found in semi-arid to arid shrublands and low woodlands, especially those dominated by mallee and/or acacias. A sandy substrate and abundance of leaf litter are required for breeding. Densities of the birds are generally greatest in areas of higher rainfall and on more fertile soils where habitats tend to be thicker and there is an abundance of food plants (National Malleefowl Recovery Team, 2016).

The application area is in a degraded to completely degraded (Keighery, 1994) condition consisting of scattered *Acacia* sp., *Hakea* sp. and *Allocasuarina* sp. with very little leaf litter observed (DER, 2016), and therefore the application area is not likely to be significant habitat for this species.

Given the condition of the vegetation and that it is scattered throughout a paddock, the proposed clearing is not likely to effect the movement of fauna between areas of remnant vegetation by severing an ecological linkage.

No species listed as Priority by Department of Parks and Wildlife have been recorded within the local area (Parks and Wildlife, 2007-).

Given the above, the proposed clearing is not likely to be at variance to this Principle.

Methodology References:
DER (2016)
Keighery (1994)
National Malleefowl Recovery Team (2016)
Parks and Wildlife (2007-)

(c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, rare flora.

Comments Proposed clearing is not likely to be at variance to this Principle

Three rare flora species have been recorded within the local area.

The first rare flora species is a shrub which grows in light brown sandy loam over granite in rocky situations (Brown et al., 1998). The application area is not within the current known distribution of this species. The soil within the application area is yellow sand and therefore, the application area is not likely to support this species.

The second species is an erect open shrub or small tree which usually grows in shallow soils on granite outcrops (Brown et al., 1998). No granite outcrops were observed within the application and therefore the application area is not likely to include this species.

The third species has a distribution of approximately 143 kilometres north south and approximately 98 kilometres east west. The application area is within this known distribution. The closest occurrence of this species has been recorded approximately six kilometres north of the application area. This species grows in heath or scrub heath on yellow sand near granite outcrops, on flats and road verges (Threatened Species Scientific Committee, 2008). This species can also be found on sand/loam over laterite (Western Australian Herbarium, 1998). The application area is unlikely to support this species given the degraded to completely degraded (Keighery, 1994) condition of the vegetation and the absence of mallee trees.

Given the above, the proposed clearing is not likely to be at variance to this Principle.

Methodology

References:

Brown et al.(1998)

Keighery (1994)

Threatened Species Scientific Committee (2008)

WA Herbarium (1998-)

GIS Datasets:

SAC Bio Datasets – accessed December 2016

(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 Proposed clearing is not likely to be at variance to this Principle

One threatened ecological community (TEC) has been recorded within the local area, being; Eucalypt woodlands of the Western Australian Wheatbelt. This TEC is listed as critically endangered under the *Environment Protection and Biodiversity Conservation Act 1999*.

The closest mapped occurrence of this TEC is approximately 2.8 kilometres north of the application area within the same property.

The woodlands associated with this TEC are dominated by a complex mosaic of eucalypt species with a tree or mallet form over an understorey that is highly variable in structure and composition. Woodlands dominated by mallee forms or vegetation with a very sparse eucalypt tree canopy are not part of the ecological community (Threatened Species Scientific Committee, 2015).

Very few mallee eucalypt trees were observed within the application area and therefore the application area is not likely to be representative of this TEC.

Given the above, the proposed clearing is not likely to be at variance to this Principle.

Methodology

References:

Threatened Species Scientific Committee (2015)

GIS Datasets:

SAC Bio Datasets – accessed December 2016

(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 Proposed clearing is not likely to be at variance to this Principle

The application area is located within the Avon Wheatbelt Interim Biogeographic Regionalisation of Australia (IBRA) bioregion. This IBRA bioregion has approximately 19 per cent of its pre-European vegetation extent remaining (Government of Western Australia, 2016).

The application area is mapped as Beard vegetation association 551. This vegetation association has approximately 20 per cent of its pre-European extent remaining in the Avon Wheatbelt bioregion (Government of Western Australia, 2016). Approximately seven per cent (approximately 3,553 hectares) of this vegetation

association is held within conservation estate.

The Shire of Mount Marshall retains approximately 63 per cent native vegetation, however the majority of vegetation is located within the north of the Shire.

Aerial imagery indicates that the local area retains approximately 16 per cent vegetation. The local area retains approximately 6,118 hectares of native vegetation.

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).

Given the vegetation extents remaining in the local area, Beard vegetation association and the bioregion, the application area is located within an extensively cleared area.

Given the degraded to completely degraded (Keighery, 1994) condition of the application area it is not considered to be a significant remnant and therefore the proposed clearing is not likely to be at variance to this Principle.

	Pre-European (ha)	Current Extent (ha)	Remaining (%)	Extent in Parks and Wildlife Managed Lands (%)
IBRA Bioregion*				
Avon Wheatbelt	9,517,110	1,763,071	19	10
Local government*				
Shire of Mount Marshal	1,018,431	639,702	63	47
Beard Vegetation Association in Bioregion*				
551	257,692	50,760	20	7

Methodology

References:
Commonwealth of Australia (2001)
Government of Western Australia (2016)
Keighery (1994)

GIS Datasets:
Pre-European Vegetation

(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 Proposed clearing is not at variance to this Principle
A minor, non-perennial watercourse has been mapped approximately 400 metres east of the application area.

No riparian vegetation was observed within the application area during a site inspection conducted by DER officers on 13 December 2016 (DER, 2016).

Given the above, the proposed clearing is not at variance to this Principle.

Methodology

References:
DER (2016)

GIS Databases:
Hydrology, linear

(g) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.

Comments Proposed clearing may be at variance to this Principle
Department of Agriculture and Food Western Australia mapping indicates that the application area is comprised of Bonnie Rock, Koorda subsystem, map unit 258BrKo. This map unit is described as gently undulating sandplain with yellow sandy earth and yellow deep sand soils (Commissioner, 2017).

The Commissioner of Soil and Land Conservation (Commissioner) has advised that the soils mapped within the application area are rated as having moderate to low capacity for the intended agricultural land use (Commissioner, 2017).

No salinity was observed within the application area or in the general area and the removal of the vegetation within the application area is not expected to have an effect on salinity (Commissioner, 2017).

The proposed clearing has the potential to cause wind erosion due to the soil types present (Commissioner, 2017).

The proposed clearing has a low risk of water erosion due to the soil type and the short slope lengths (Commissioner, 2017).

The proposed clearing has the potential to cause land degradation in the form of wind erosion and therefore may be at variance to this Principle. The Commission advised that if similar current management practices are continuously employed the risk will be greatly reduced (Commissioner, 2017).

Methodology References:
Commissioner (2017)

GIS Datasets:
Soils, statewide
Hydrology, linear
Topographic contours

(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 Proposed clearing is not likely to be at variance to this Principle

Two conservation areas reserved for the purpose of 'conservation of flora and fauna' are recorded 5.5 kilometres north and six kilometres north west of the application area.

Given the location and the distance to these reserves the application is not likely form part an ecological linkage between these reserves, nor is the proposed clearing likely to introduce/spread weeds into these areas.

Given the above, the proposed clearing is not likely to be at variance to this Principle.

Methodology GIS Datasets:
Parks and Wildlife 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 Proposed clearing is not likely to be at variance to this Principle

A minor, non-perennial watercourse has been mapped approximately 400 metres east of the application area. Given the distance to this watercourse the proposed clearing is not likely to impact on the quality of surface water.

Groundwater salinity within the application area is mapped as 7,000 to 14,000 milligrams per litre (measured as Total Dissolved Solids). This level of groundwater salinity is considered to be saline to highly saline. The Commissioner has advised that no salinity was observed within the application area or in the general area and the removal of the vegetation within the application area is not expected to have an effect on salinity (Commissioner, 2017).

Given the above, the proposed clearing is not likely to be at variance to this Principle.

Methodology References:
Commissioner (2017)

GIS Datasets:
Groundwater Salinity Statewide
Hydrography linear

(j) Native vegetation should not be cleared if clearing the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.

Comments Proposed clearing is not likely to be at variance to this Principle

The proposed clearing is not likely to increase the intensity or incidence of flooding due to the soil type present and relatively low rain fall (300 millilitres per annum).

Given the above, the proposed clearing is not likely to be at variance to this principle.

Methodology GIS Databases:
Soils, statewide
Hydrology, linear

Planning instruments and other relevant matters.

- Comments** This application was originally for a 29.45 hectare area which included a 6.47 hectare area which consisted of a roaded dam catchment which has regenerated to a very good (Keighery, 1994) condition. The preliminary assessment of the original application determined that the 6.47 hectare area may contain rare flora and is considered to be a significant remnant in a highly cleared area. In a letter dated 22 March 2017, a Delegated Officer wrote to the applicant advising the preliminary assessment findings. The Delegated Officer requested information demonstrating the applicant's ability to avoid or minimise the impacts identified. In an email of 10 April 2017 the applicant requested to amend the application to the current 22.98 hectare area which is located within existing paddocks.
- The application area falls within the Avon River System Surface Water Area which is an area proclaimed under the *Rights in Water and Irrigation Act 1914*. The Department of Water (DoW) has advised that it has assessed clearing permit CPS 7354/1 as a proposal of no interest and as such has no comments to provide (DoW, 2016).
- The Shire of Mount Marshall has advised that the applicant has revegetated 21.5 hectares around the outside of the block that contains the area they wish to clear, as well as fencing off patches of remnant vegetation. It was further advised that the project is consistent with the local Town Planning Scheme (Shire of Mount Marshall, 2016).
- A submission 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 advertised in *The West Australian* newspaper on 21 November 2016 by DER inviting submissions from the public within a 21 day period. No submissions from the public were received in relation to this application.
- Methodology** No Aboriginal Sites of Significance have been recorded within the application area.
- References:
DoW (2016)
Mount Marshall LCDC (2016)
Shire of Mount Marshall (2016)
- GIS Databases:
Aboriginal Sites Register System
RIWI Act, Surface Water Areas and Irrigation Districts

4. References

- Brown A., Thomson-Dans C. and Marchant N. (1998). *Western Australia's Threatened Flora*, Department of Conservation and Land Management, Western Australia.
- Commissioner of Soil and Land Conservation (2016) *Land Degradation Advice and Assessment Report for clearing permit application CPS 7354/1*. Received on 16 January 2017. Department of Agriculture and Food Western Australia (DER Ref: A1358880).
- Commonwealth of Australia (2001) *National Objectives and Targets for Biodiversity Conservation 2001-2005*, Canberra.
- Department of Environment Regulation (2016) *Site Inspection Report for Clearing Permit Application CPS 7354/1*. Site inspection undertaken 13 December 2016. Department of Environment Regulation, Western Australia (DER Ref: A1353780).
- Department of Parks and Wildlife (Parks and Wildlife) (2007-) *NatureMap: Mapping Western Australia's Biodiversity*. Department of Parks and Wildlife. URL: <http://naturemap.dpaw.wa.gov.au/>. Accessed December 2016
- Department of Water (2016) *Rights in Water and Irrigation Act 1914* advice for Clearing Permit Application CPS 7354/1. Received on 7 December 2016 (DER Ref: A1338582).
- Government of Western Australia (2016). *2016 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report)*. Current as of October 2016. WA Department of Parks and Wildlife, 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.
- Mount Marshall Land Conservation District Committee (2016) *Submission in relation to clearing permit application CPS 7354/1*. Received on 11 December 2016 (DER Ref: A1340201).
- National Malleefowl Recovery Team (2016) *Malleefowl Facts* <http://www.nationalmalleefowl.com.au/malleefowl-facts.html>. Accessed 29 December 2016.
- 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 Mount Marshall (2016) *Planning and environment advice for clearing permit application CPS 7354/1*. Received on 29 November 2016 (DER Ref: A1333775).
- Threatened Species Scientific Committee (2008). *Commonwealth Conservation Advice*. Department of the Environment, Water, Heritage and the Arts. Available from: <http://www.environment.gov.au/biodiversity/threatened/species/pubs/16935-conservation-advice.pdf>. In effect under the EPBC Act from 01-Oct-2008.
- Threatened Species Scientific Committee (TSSC) (2015). *Approved Conservation Advice (including listing advice) for the Eucalypt Woodlands of the Western Australian Wheatbelt*. Department of the Environment. Available from: <http://www.environment.gov.au/biodiversity/threatened/communities/pubs/128-conservation-advice.pdf>. In effect under the EPBC Act from 04-Dec-2015.