



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 7537/1
Permit Holder:	Super Beyond Pty Ltd
Duration of Permit:	From 29 July 2017 to 29 July 2022

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

PART I – CLEARING AUTHORISED

1. Purpose for which clearing may be done

Clearing for the purpose of a lucerne and sorghum plantation.

2. Land on which clearing is to be done

Lot 333 on Deposited Plan 52833, Balladonia

3. Area of Clearing

The Permit Holder must not clear more than 11.09 hectares of native vegetation within the area cross-hatched yellow on attached Plan 7537/1.

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 activities to the extent that the Permit Holder has the right to access land under the *Land Administration Act 1997* or any other written law.

PART II – ASSESSMENT SEQUENCE AND MANAGEMENT PROCEDURES

6. Avoid, minimise etc. 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.

7. Weed control

When undertaking any clearing or other activity authorised under this Permit, the Permit Holder must take the following steps to minimise the risk of the introduction and spread of *weeds*:

- (a) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- (b) ensure that no *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared; and
- (c) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

8. Fauna management

- (a) Prior to undertaking any clearing authorised under this Permit, the Permit Holder shall engage a *fauna specialist* to conduct a *fauna survey* within the Permit Area and within 50 metres of the Permit Area to identify *Leipoa ocellata* (malleefowl) mounds.
- (b) Prior to undertaking any clearing authorised under this Permit, the Permit Holder shall provide the results of the *fauna survey* in a report to the CEO.
- (c) The *fauna survey* report must include:
 - (i) the location of each *Leipoa ocellata* (malleefowl) mound, 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, to the CEO; and
 - (ii) the methodology used to survey the Permit Area and to identify the mound/s.
- (d) Where *Leipoa ocellata* (malleefowl) mounds are identified under condition 8(a) of this Permit, the Permit Holder shall ensure that no clearing within 50 metres of the identified *Leipoa ocellata* (malleefowl) mounds occurs, unless first approved by the CEO.

PART III - RECORD KEEPING AND REPORTING

9. Records to be kept

The Permit Holder must maintain the following records for activities done pursuant to this Permit:

- (a) in relation to the clearing of native vegetation authorised under this Permit,
 - (i) 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;
 - (ii) the date that the area was cleared; and
 - (iii) the size of the area cleared (in hectares).

10. Reporting

- (a) The Permit Holder must provide to the CEO on or before 31 July of each year, a written report demonstrating adherence to all conditions of this permit, and setting out the records required under condition 9 of this permit in relation to clearing and other activities carried out between 1 July and 30 June of the previous financial year.
- (b) Prior to 29 May 2022, the Permit Holder must provide to the CEO a written report of records required under condition 9 of this Permit where these records have not already been provided under condition 10(a) of this Permit.

Definitions

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

fauna specialist means a person who holds a tertiary qualification specialising in environmental science or equivalent, and has a minimum of 2 years work experience in fauna identification and surveys of fauna native to the region being inspected or surveyed, or who is approved by the CEO as a suitable fauna specialist for the bioregion, and who holds a valid fauna licence issued under the *Wildlife Conservation Act 1950*;

fauna survey means a field-based investigation, including a review of established literature, of the biodiversity of fauna and/or fauna habitat of the Permit Area. Where conservation significant fauna are identified in the Permit Area, the survey should also include sufficient surrounding areas to place the Permit Area into local context;

fill means material used to increase the ground level, or fill a hollow;

mulch means the use of organic matter, wood chips or rocks to slow the movement of water across the soil surface and to reduce evaporation;

weed/s means any plant -

- (a) that is declared under section 37 of the *Agriculture and Related Resources Protection Act 1976*; or
- (b) published in the Department of Environment and Conservation Regional Weed Assessments, regardless of ranking; or
- (c) not indigenous to the area concerned.

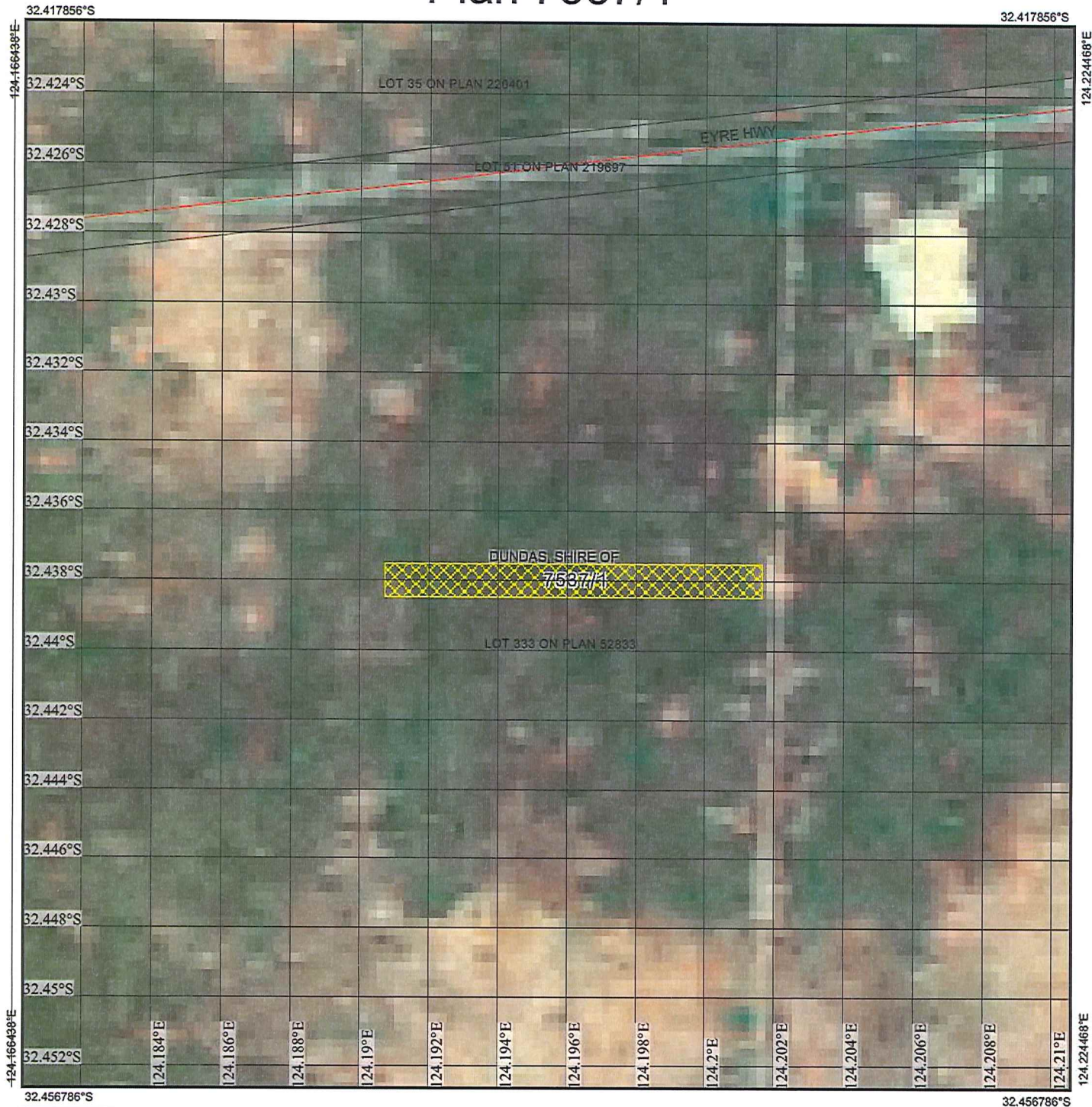


Mathew Gannaway
MANAGER
CLEARING REGULATION

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

29 June 2017

Plan 7537/1



Legend

-  Imagery
-  Clearing Instruments Activities
-  Local Government Authority



1:15,000

(Approximate when reproduced at A4)

GDA 94 (Lat/Long)

Geocentric Datum of Australia 1994

MBG
 Mathew Gannaway Date 29/6/2017

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



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1. Application details

1.1. Permit application details

Permit application No.: 7537/1
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: Super Beyond Pty Ltd

1.3. Property details

Property: Lot 333 on Deposited Plan 52833, Balladonia
Local Government Authority: Shire of Dundas
DER Region: Goldfields
DPaW District: Esperance
Localities: Balladonia

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
11.09		Mechanical Removal	Lucerne and sorghum plantation

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 29 June 2017
Reasons for Decision: The clearing permit application is to clear 11.09 hectares of native vegetation for the purpose of a lucerne and sorghum plantation, and was received on 27 March 2017.

The clearing permit application has been assessed against the clearing principles, planning instruments and other matters in accordance with section 51O of the *Environmental Protection Act 1986*, and it has been concluded that the proposed clearing may be at variance to Principle (b), and is not likely to be at variance to any of the remaining clearing Principles.

The Delegated Officer has granted the clearing permit subject to conditions requiring weed management, and that the application area and native vegetation within 50 metres of the application area is searched by a fauna specialist for the presence of malleefowl mounds.

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
Beard vegetation association 214 is described as a mosaic of medium woodland; goldfield eucalypts/ succulent steppe with open low woodland; myoporom over saltbush (Shepherd et al., 2001).	The applicant has proposed to clear 11.09 hectares of native vegetation within Lot 333 on Deposited Plan 52833, Balladonia, for the purpose of a lucerne and sorghum plantation.	Excellent; Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994).	The applicant has advised that vegetation within the application area is "in good condition and has only been lightly grazed" (RHL, 2017).
Photographs provided by the applicant indicate that the vegetation within the application area is representative of the mapped Beard vegetation association (Robertson Hayles Lawyers [RHL], 2017).			Photographs provided by the applicant indicate minimal weed invasion within the application area (RHL, 2017).

3. Assessment of application against clearing principles

Comments

The applicant proposes to clear up to 11.09 hectares of native vegetation within Lot 333 on Deposited Plan 52833, Balladonia, for the purpose of a lucerne and sorghum plantation.

Information provided by the applicant indicates that the vegetation is in excellent (Keighery, 1994) condition and is representative of the mapped Beard vegetation association 214 (RHL, 2017). Beard vegetation association 214 is described as 'mosaic: medium woodland; goldfield eucalypts/ succulent steppe with open low woodland; myoporium over saltbush' (Shepherd et al., 2001).

Information provided by the applicant indicates that vegetation is in excellent (Keighery, 1994) condition, with very little weed cover (RHL, 2017). Mechanical clearing increases the risk of spreading weeds into native vegetation adjacent to the application area. Weeds can decrease the biodiversity value of an area as they out-compete native vegetation for available resources, contribute to land degradation and increase the frequency and intensity of fires (Department of Environment and Conservation, 2011). Potential impacts to biodiversity outside the application area as a result of the proposed clearing may be minimised by the implementation of weed management practices.

According to available databases, three priority flora species have been recorded within 40 kilometres of the application area. Of these, one priority flora species (*Eremophila parvifolia* subsp. *parvifolia*; priority 4) is known to occur in similar habitat to that within the application area. This species has been recorded within 500 metres of the application area, and is only known from within the Shire of Dundas. *Eremophila parvifolia* subsp. *parvifolia* is known from 11 records, with two records noting that the species is locally abundant and one record noting only a singular plant was present. Given the availability of suitable habitat and proximity to a known record, this species is likely to occur within the application area. Given the limited size of the proposed clearing and the absence of other clearing activity in the surrounding area, the proposed clearing of 11.09 hectares is not likely to impact the conservation of this species.

There are no records of a threatened or priority ecological community (TEC, PEC) within 40 kilometres of the application area. The vegetation within the application area is not representative of a TEC or PEC.

The Department of Parks and Wildlife (Parks and Wildlife) advised that the application area is within the known distribution of, and contains suitable habitat for, the chuditch (*Dasyurus geoffroyi*) and malleefowl (*Leipoa ocellata*), which are specially protected under the *Wildlife Conservation Act 1950* (Parks and Wildlife, 2017a). Given the size of the proposed clearing and the availability of suitable habitat in the surrounding area, the proposed clearing is not likely to have a significant impact on the conservation of these species. Noting this, the proposed clearing may impact malleefowl if active breeding mounds occur within the application area. Parks and Wildlife advised that impacts to malleefowl may be avoided by ensuring the application area (and within 50 metres of the application area) is inspected for malleefowl prior to clearing. Any active mounds should be given a 50 metre buffer. Parks and Wildlife advised that malleefowl are known to re-use mounds between years (Parks and Wildlife, 2017a). Future impacts to malleefowl will be minimised by ensuring no clearing occurs within 50 metres of an active or recently active malleefowl mound. Given the potential for malleefowl mounds to occur within the application area, the proposed clearing may be at variance to Principle (b).

Parks and Wildlife also advised that vegetation clearing should be undertaken in a direction that allows vertebrate fauna to move from the area to be cleared into adjacent vegetation, in order to minimise impacts to fauna (Parks and Wildlife, 2017a).

The application area is located within the Nullarbor Interim Biogeographic Regionalisation for Australia (IBRA) region and the Shire of Dundas, which both have more than 99 per cent of their pre-European vegetation remaining (Government of Western Australia, 2016). According to available databases, Beard vegetation association 214 remains at approximately 100 per cent within the Nullarbor bioregion (Government of Western Australia, 2016). The application area is not considered to be a significant remnant in an area that has been extensively cleared.

There are no wetlands, watercourses or conservation areas within 40 kilometres of the application area.

The Commissioner of Soil and Land Conservation (CSLC) advised that the application area is located on the Caiguna land system, and is likely to occur within the Calcrete Plains land unit (CSLC, 2017). This land unit is described as a level to gently inclined plain with occasional mantle of calcrete nodules, with soils of calcareous loams of varying depths (CSLC, 2017). The CSLC advised that the proposed clearing is not likely to cause appreciable land degradation (CSLC, 2017).

Given the condition of native vegetation and size of the application area, the proposed clearing is not likely to cause deterioration in the quality of groundwater, or cause or exacerbate the incidence or intensity of flooding.

Given the above, the proposed clearing is at variance to Principle (f), is not at variance to Principle (d), and is not likely to be at variance to the remaining clearing Principles.

Methodology

References:
CSLC (2017)
Department of Environment and Conservation (2011)
Government of Western Australia (2016)

Keighery (1994)
Parks and Wildlife (2017a)
RHL (2017)
Shepherd et al. (2001)

GIS Databases:
Hydrography, linear
Imagery
NLWRA, current extent of native vegetation
Parks and Wildlife tenure
Pre-European vegetation
SAC bio datasets - accessed June 2017

Planning instruments and other relevant matters.

Comments The applicant has submitted an application to the Pastoral Lands Board for a permit to diversify to grow lucerne and sorghum.

The CSLC advised that the area was surveyed around 2005, and was assessed to be in good pastoral condition (CSLC, 2017). The CSLC also advised that the risk of land degradation as a result of the intended land use is low, and that "satisfactory regeneration is expected to occur" if livestock and feral animals are excluded from the cleared area following the intended period of forage production (CSLC, 2017).

Parks and Wildlife advised that the lack of flora and fauna records in the vicinity of the application area is likely to be due to a lack of survey effort in the region (Parks and Wildlife, 2017b). Future development in the vicinity of the application area may require flora and fauna surveys to address the risk of impacts to flora and fauna specially protected under the WC Act and ranked as priority by Parks and Wildlife.

There is one native title determination over the application area ([2014] FCA 1247). It is the applicant's responsibility to comply with the *Native Title Act 1993* and the native title determination (2014) FCA 1247. According to available databases, there are no Aboriginal Sites of Significance within the application area, but there may be sites that have not yet been identified. It is the applicant's responsibility to comply with the *Aboriginal Heritage Act 1972* and ensure that no Aboriginal Sites of Significance are damaged through the clearing process.

The clearing permit application was advertised on DER's website on 20 April 2017 and in *The West Australian* newspaper on 24 April 2017 for a public submission period ending on 5 May 2017. There were no public submissions received within the specified period.

The Shire of Dundas has advised that a ruling was made to approve the proposed lucerne and sorghum plantation during a Meeting of Council on 18 April 2017 (Shire of Dundas, 2017).

Methodology References:
CSLC (2017)
Parks and Wildlife (2017b)
Shire of Dundas (2017)

GIS Databases:
- Aboriginal sites register system

4. References

- Commissioner of Soil and Land Conservation (CSLC) (2017) Advice received from CSLC on 22 May 2017 (DER REF: A1436021).
- Department of Environment and Conservation (DEC) (2011) Invasive Plant Prioritisation, Department of Environment and Conservation, Perth.
- 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.
- Department of Parks and Wildlife (Parks and Wildlife) (2017a) Advice received from the Department of Parks and Wildlife, Species and Communities Branch on 26 May 2017 (DER REF: A1461874).
- Department of Parks and Wildlife (Parks and Wildlife) (2017b) Advice received from the Department of Parks and Wildlife Region on 26 May 2017 (DER REF: A1461873).
- Robertson Hayles Lawyers (RHL) (2017) Information provided by the applicant on 9 May 2017 (DER REF: A1462051).
- 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 Dundas (2017) Advice received from the Shire of Dundas on 26 April 2017 (DER REF: A1417163).