GOVERNMENT OF
WESTERN AUSTRALIA

CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 7816/1
Permit Holder:	Margaret Ann Middleton and Max William Middleton
Duration of Permit:	2 June 2018 – 2 June 2023

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 installing underground power infrastructure.

2. **Land on which clearing is to be done**
   Middleton Close road reserve (PIN 1183551), Shadforth.

3. **Area of Clearing**
   The Permit Holder must not clear more than 0.224 hectares of native vegetation within the areas cross-hatched yellow on attached Plan 7816/1.

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 the activities described in condition 1 of this Permit to the extent that the Permit Holder has the authority to carry out works involving clearing for those activities under the *Local Government Act 1995* or any other written law.

PART II – MANAGEMENT CONDITIONS

6. **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.

7. **Dieback and 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* and *dieback*:
(a) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
(b) ensure that no *dieback* or *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 – western ringtail possum**
(a) Prior to undertaking any clearing authorised under this Permit, the Permit Holder shall engage a *fauna specialist* to inspect *Agonis flexuosa* (peppermint) trees within the areas cross hatched yellow on attached Plan 7816/1 for the presence of individuals of the fauna species *Pseudocheirus occidentalis* (western ringtail possum).
(b) Where individuals of *Pseudocheirus occidentalis* (western ringtail possum) are identified under condition 8(a) of this Permit, the Permit Holder shall engage a *fauna specialist* to relocate those individuals immediately prior to undertaking, and during, any clearing authorised under this Permit, in accordance with a fauna licence pursuant to Regulation 15 of the *Wildlife Conservation Regulations 1970*.

PART III – RECORD KEEPING AND REPORTING

9. **Records must be kept**
The Permit Holder must maintain the following records for activities done pursuant to this Permit, 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);
(d) actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 6 of this Permit;
(e) actions taken to minimise the risk of the introduction and spread of *weeds* and *dieback* in accordance with condition 7 of this Permit; and
(f) where individuals of *Pseudocheirus occidentalis* (western ringtail possum) are relocated in accordance with condition 8(b) of this Permit:
    (i) the gender of each *Pseudocheirus occidentalis* (western ringtail possum) relocated;
    (ii) the location where relocated *Pseudocheirus occidentalis* (western ringtail possum) individuals were released, 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;
    (iii) the date, time, vegetation type and weather conditions at each location where relocated *Pseudocheirus occidentalis* (western ringtail possum) individuals were released; and
    (iv) the name of the *fauna specialist* that relocated *Pseudocheirus occidentalis* (western ringtail possum); and
    (v) a copy of the fauna licence authorising the relocation of fauna.

10. **Reporting**
The Permit Holder must provide to the *CEO* the records required under condition 9 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*;

dieback means the effect of *Phytophthora* species on native vegetation;

fauna specialist: means a person who holds a tertiary qualification specializing 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*;

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 a declared pest under section 22 of the *Biosecurity and Agriculture Management Act 2007*; or

(b) published in a Department of Biodiversity, Conservation and Attractions Regional Weed Rankings Summary, regardless of ranking; or

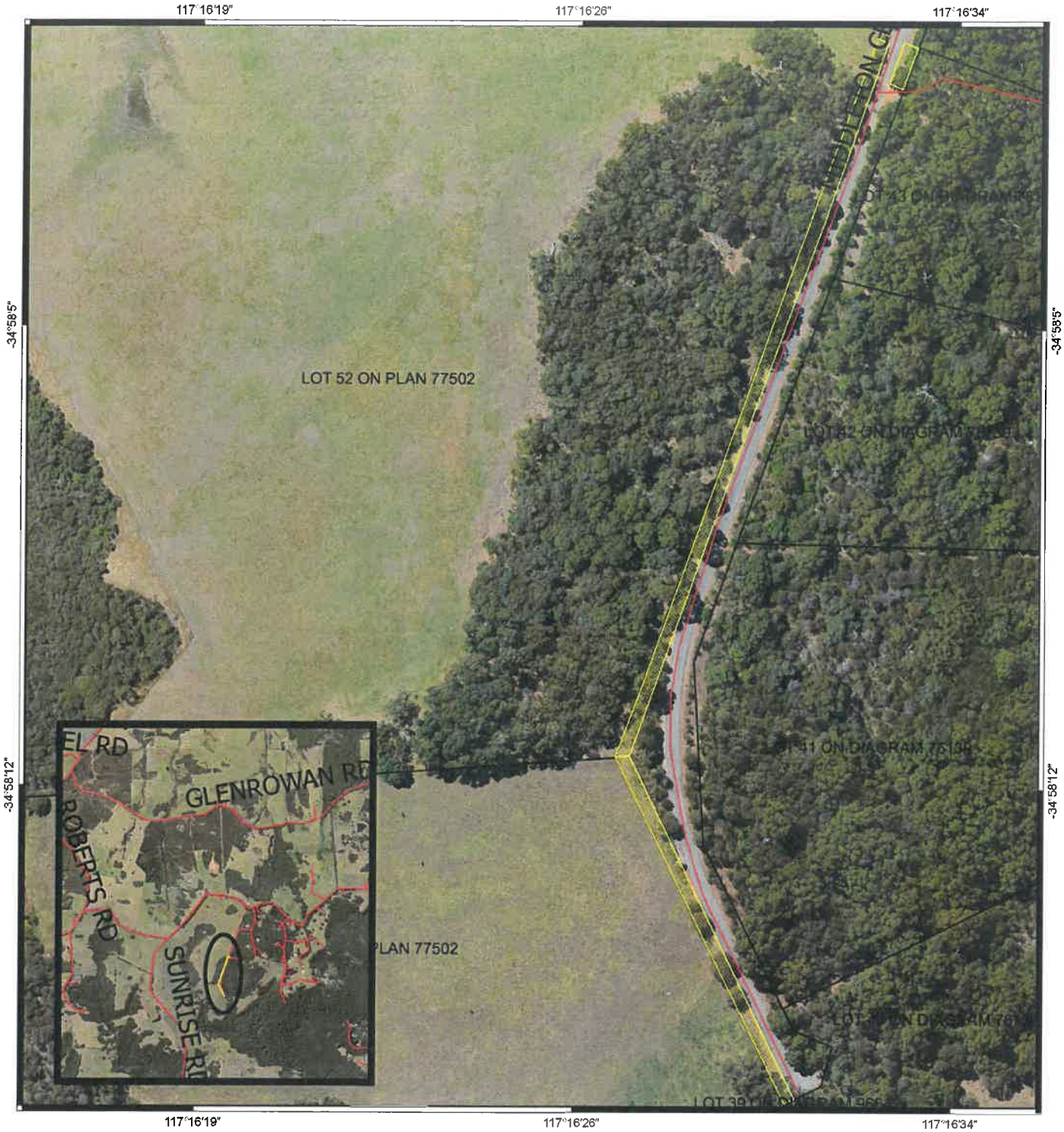
(c) not indigenous to the area concerned.

Emma Bramwell
A/ MANAGER
CLEARING REGULATION

Officer delegated under Section 20
of the Environmental Protection Act 1986

4 May 2018

Plan 7816/1



Legend

- Areas approved to clear
- Roads

Imagery

- Cadastre

N

90 0 90 m

MGA 94
Geocentric Datum of Australia 1994

E BRAMWELL Date 04/05/18

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.: CPS 7816/1
Permit type: Purpose Permit

1.2. Proponent details

Applicant's name: Margaret Ann Middleton
Max William Middleton

1.3. Property details

Property: Middleton Close road reserve (PIN 1183551), Shadforth
Local Government Authority: Shire of Denmark
Localities: Shadforth
DBCA District: Frankland
DWER Region: South Coast

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
0.224		Mechanical Removal	Establishing underground power.

1.5. Decision on application

Decision on Permit Application: Granted
Decision Date: 4 May 2018
Reasons for Decision: The clearing permit application was received on 17 October 2017 and has been assessed against the clearing principles, planning instruments and other matters in accordance with section 51O of the *Environmental Protection Act 1986*. It has been concluded that the proposed clearing is not likely to be at variance to the clearing principles.

The Delegated Officer had regard for photographs of the application area supplied by the applicant. The Delegated Officer noted that the application area includes peppermint trees, and that the proposed clearing may impact on suitable habitat for threatened western ringtail possum. The Delegated Officer also noted that the proposed clearing may impact on adjacent vegetation through the introduction or spread of weeds. The Delegated Officer determined that the proposed clearing is unlikely to lead to an unacceptable risk to the environment, and has granted a permit subject to conditions.

2. Site Information

Clearing Description: The application is for the proposed clearing of 0.224 hectares of native vegetation within Middleton Close road reserve (PIN 1183551), Shadforth, for the purpose of installing underground power to service adjacent Lot 39 on Diagram 96642 and Lot 40 on Diagram 76139. The application area is indicated in Figure 1.

Vegetation Description: The vegetation within the application area is mapped as Beard Association 1, described as tall forest; karri (*Eucalyptus diversicolor*) (Shepherd et al., 2001).

Based on photographs and supporting information provided by the applicant, the vegetation within the application area comprises karri forest over *Banksia* spp., *Allocasuarina* spp., marri (*Corymbia calophylla*), emergent *Eucalyptus* spp., five peppermint (*Agonis flexuousa*) trees, bracken (*Pteridium esculentum*), mixed shrubs, and mixed sedges.

Vegetation Condition: Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery, 1994).
To
Completely Degraded: no longer intact, completely/almost completely without native species (Keighery, 1994).

The condition of the vegetation within the application area was determined from available aerial photography and photographs provided by the applicant. The photographs provided by the applicant indicate that approximately 70 per cent of the application area (being the majority of the application area) is predominantly in 'Very Good' condition (Figures 2 and 3), and that approximately 30 per cent of the application area (within the southern portion) is predominantly in 'Completely Degraded' condition (Figure 4).

Soil/Landform type: The application area is mapped within the Keystone brown duplex Phase land system, described as brown gravelly duplex soils and red of yellow earths; much laterite. Marri-Karri-Red Tingle-Yellow Tingle forest.

Comment The local area referred to below is defined as a ten kilometre radius around the clearing area. According to available aerial photography, the local area retains approximately 40 per cent remnant vegetation cover.

The northern and southern extents of the application area have evidence of historical disturbance and clearing.

Map and photographs

Figure 1: Application area (cross-hatched in blue)

Figure 2: Portion of application area with vegetation predominantly in 'Very Good' condition

Figure 3: Another portion of application area with vegetation predominantly in 'Very Good' condition

Figure 4: Portion of application area with vegetation predominantly in 'Completely Degraded' condition

3. Assessment of application against clearing principles

According to available databases, 21 threatened fauna species, 12 fauna species protected under international agreement, two specially protected fauna species, and six priority fauna species have been recorded within the local area (DBCA, 2007-). Noting the type and condition of the vegetation within the application area, and the habitat requirements and current known range extents of these species, the application area is not likely to comprise suitable habitat for threatened fauna species.

Noting the extent of the proposed clearing, the linear shape of the application area, and the proximity and extent of remnant vegetation in the local area (refer to Figure 1), the application area is not likely to comprise significant habitat for indigenous fauna, including species of conservation significance. Notwithstanding, noting the presence of peppermint trees within the application area, a fauna clearance survey will ensure that any western ringtail possum present will not be impacted by the proposed clearing.

According to available databases, four rare flora species and 30 priority flora species occur within the local area. Noting the type and condition of the vegetation within the application area, and the habitat requirements and current known range extents of these species, the application area may comprise suitable habitat for two of these species:

- *Stylidium* sp. Kordabup (A.R. Annels 1660) (Priority 1) is known from two recorded populations within seven kilometres of the Denmark town centre, from with shallow soil associated with a granite outcrop, and from grey peaty sand associated with a midslope landscape position (FloraBase website). The nearest record of this species is approximately 1.5 kilometres from the application area.
- *Drakaea micrantha* (dwarf hammer-orchid) is known from 45 recorded populations between Armadale and Denmark from white-grey sands associated with mixed woodland or forest (FloraBase website). The nearest record of this species is approximately 3.2 kilometres from the application area.

The Department of Biodiversity, Conservation and Attractions (DBCA) advised that there are no records of rare or priority flora along Middleton Close, and that given the vegetation is karri there are unlikely to be any significant flora (DBCA, 2018). Noting this, the proposed clearing is not likely to impact on rare or priority flora, and the application area is not likely to include, or be necessary for the continued existence of, rare flora.

According to available database, no State-listed priority ecological communities (PEC) or threatened ecological communities (TEC) or Commonwealth-listed TECs have been recorded within the local area. The nearest occurrence of an ecological community of conservation significance is the Priority 3 PEC 'Subtropical and Temperate Coastal Saltmarsh', located approximately 7.5 kilometres from the application area. Noting this, the proposed clearing is unlikely to impact on a PEC or TEC, and the application area is not likely to comprise the whole or a part of, or be necessary for the maintenance of, a TEC.

The national objectives and targets for biodiversity conservation in Australia have a target to prevent clearance of ecological communities with an extent below 30 percent of that present pre-1750, below which species loss appears to accelerate exponentially at an ecosystem level (Commonwealth of Australia, 2001). The Warren Interim Biogeographic Regionalisation of Australia bioregion retains approximately 54.88 per cent of its pre-European extent of native vegetation (Government of Western Australia, 2018). The mapped Beard vegetation association retains approximately 77.87 per cent (53.821 hectares) of its pre-European extent (Government of Western Australia, 2018). The local area retains approximately 40 per cent native vegetation. Noting this, the extent of the proposed clearing, the narrow, linear shape of the application area, and the extent of native vegetation in the local area the application area is unlikely to be significant as a remnant of native vegetation in an area that has been extensively cleared.

According to available databases, no watercourses or wetlands have been mapped within the application area. The proposed clearing is therefore not likely to impact on native vegetation growing in association with watercourses or wetlands, and is not likely to cause deterioration in the quality of surface water.

According to available databases, Mount Shadforth Nature Reserve is located approximately 500 metres south-east of the application area, and an un-named Timber Reserve is located approximately 2.25 kilometres north-east of the application area. The closest privately-managed conservation area is appoximately 750 metres from the application area. Given the distance to these conservation areas, and noting that the application area does not sever the linkage value of the road reserve, the proposed clearing is not likely to impact on the environmental values of any nearby conservation areas.

Noting the mapped soil type within the application area, the extent of the proposed clearing, and the shape of the application area, the proposed clearing is not likely to cause appreciable land degradation, or cause deterioration in the quality of underground water, or cause or exacerbate the incidence or intensity of flooding.

The assessment has found that the proposed clearing is not likely to be at variance to the clearing principles.

Planning instruments and other relevant matters

The clearing permit application was advertised on the Department of Water and Environmental Regulation (DWER) website on 28 November 2017 for a 21 day public submission period. No public submissions were received in relation to this application.

No Aboriginal sites of significance have been mapped within the application area.

The Shire of Denmark was invited to comment on the application, however no comment was received. Notwithstanding, supporting information provided by the applicant includes a letter of authority from the Shire of Denmark, which states "This is to confirm the Shire of Denmark has no objection to [the applicant] clearing within the Middleton Close road reserve for the purpose of installing underground power to service Lots 39 and 40 Middleton Close the proposed clearing for underground power ... This is with the proviso the verge is reinstated at [the applicant's] cost after completion of works; within a reasonable time-frame and to the Shire of Denmark's satisfaction".

4. References

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

Department of Biodiversity, Conservation and Attractions (DBCA) (2007-) NatureMap: Mapping Western Australia's Biodiversity. URL: http://naturemap.dpaw.wa.gov.au/. Accessed January 2018

Department of Biodiversity, Conservation and Attractions (DBCA) (2018) Region advice received in relation to clearing permit application CPS 7816/1 (DWER Ref A1657080)

GHD (2017) Supporting information (photographs) for clearing permit application CPS 7816/1 (DWER ref. A1581721).

GHD (2018) Additional supporting information for clearing permit application CPS 7816/1 (DWER ref. A1666744).

Government of Western Australia (2018) Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of February 2018) 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.

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.

Western Australian Herbarium (1998-) FloraBase - The Western Australian Flora. Department of Parks and Wildlife. http://florabase.dpaw.wa.gov.au/ (Accessed January 2018).

GIS Databases:

- Aboriginal Sites of Significance
- DBCA Managed Estate
- Directory of Important Wetlands
- Groundwater salinity
- Hydrography, hierarchy
- Hydrography, linear
- Land Degradation datasets
- NLWRA, Current Extent of Native Vegetation
- SAC Bio Datasets (Accessed March 2018)
- Soils, Statewide
- Topographic contours
- Beard Vegetation Complexes