



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 8129/1
Permit Holder:	Shire of Cuballing
Duration of Permit:	19 December 2018 – 19 December 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 road safety and drainage stabilisation.

2. Land on which clearing is to be done

Popanyinning West Road Reserve (PIN 11524730), West Popanyinning

3. Area of Clearing

The Permit Holder shall not clear more than 10 native trees within the area cross-hatched yellow on attached Plan 8129/1a.

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 power 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. Weed control

When undertaking any clearing 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 known *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. Offset – Lot 434 on Deposited Plan 84296 (being Crown Reserve 2556)

- (a) By 19 December 2020, the Permit Holder shall provide to the *CEO* a copy of the executed change in purpose of the area cross-hatched red on attached Plan 8129/1b within Lot 434 on Deposited Plan 84296 (being Crown Reserve 2556) from ‘Gravel’ to ‘Conservation’.
- (b) In the event that the change in purpose of Lot 434 on Deposited Plan 84296 (being Crown Reserve 2556) is not achieved in accordance with condition 8(a):
 - (i) the Permit Holder must submit a new offset proposal for the *CEO*’s approval by 19 February 2020; and
 - (ii) in preparing an offset proposal in accordance with condition 11(b)(i), the Permit Holder must comply with the principles in the Government of Western Australia’s *WA Environmental Offsets Policy* (September 2011) and have regard to the *WA Environmental Offsets Guidelines* (August 2014).

PART III – RECORD KEEPING AND REPORTING

9. Record keeping

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(s) that the area was cleared;
 - (iii) the size of the area cleared (in hectares);
 - (iv) actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 6 of this Permit; and
 - (v) actions taken to minimise the risk of the introduction and spread of *weeds* in accordance with condition 7 of this Permit.

10. Reporting

- (a) At least 48 hours prior to commencing clearing authorised under this Permit, the Permit Holder shall advise the *CEO* in writing of the date that clearing is scheduled to commence.
- (b) On or before 30 June of each year following the commencement of clearing authorised under this Permit, the Permit Holder must provide to the *CEO* a written report of records required under condition 9 of this Permit.
- (c) The Permit Holder must produce the records required under condition 9 of this Permit when required 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*;

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 species-led ecological impact and invasiveness ranking summary, regardless of ranking; or
- (c) not indigenous to the area concerned.



Samara Rogers
MANAGER
NATIVE VEGETATION REGULATION

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

23 November 2018


Plan 8129/1a




Legend

-  Areas approved to clear base layers
-  cadastre
-  Local Government Authorities
-  Road Centrelines

Image




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MGA 94
Geocentric Datum of Australia 1994

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









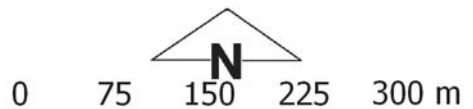
GOVERNMENT OF
WESTERN AUSTRALIA

Plan 8129/1b



Legend

-  Area subject to conditions
-  base layers
-  cadastre
-  Local Government Authorities
-  Road Centrelines
-  Image



MGA 94
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Officer with delegated authority under Section 20
of the Environmental Protection Act 1986



GOVERNMENT OF
WESTERN AUSTRALIA



1. Application details

1.1. Permit application details

Permit application No.: CPS 8129/1
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: Shire of Cuballing
Application received date: 12 July 2018

1.3. Property details

Property: ROAD RESERVE - 11524730, WEST POPANYINNING
Local Government Authority: CUBALLING, SHIRE OF
Localities: WEST POPANYINNING

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
0	10	Mechanical Removal	Road upgrade

1.5. Decision on application

Decision on Permit Application: Granted
Decision Date: 23 November 2018

Reasons for Decision: 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 is at variance to Principles (e) and (f), may be at variance to principle (b) and is not likely to be at variance to the remaining clearing principles.

It has been determined that the proposed clearing will result in the following significant residual impacts:

- loss of 10 native trees that are considered a significant remnant of native vegetation in an area that has been extensively cleared.

The proposed clearing includes vegetation growing in an environment associated with a watercourse, however, no significant impacts to the environmental values of the watercourse are expected given its highly modified nature and the relatively minimal extent of clearing required at its crossing.

It is noted that upgrades to the road will provide a public benefit including improved road safety and more stable drain. It is considered that the significant residual impacts can be counterbalanced through the conservation of 0.185 hectares of Crown Reserve 2556 as an offset.

It has also been determined that the proposed clearing may result in the following:

- indirect impacts to adjacent portions of Eucalypt Woodlands of the Western Australian Wheatbelt' (Wheatbelt Woodlands) threatened ecological community (TEC) through weed introduction/spread.

Given the above, the Delegated Officer determined that the proposed clearing will not have an unacceptable impact on the environment and decided to grant a clearing permit subject to avoid/minimise, offset, and weed management conditions.

2. Site Information

Clearing Description: The application is for the clearing of ten trees within Popanyinning West Road Reserve (PIN 1524730), West Popanyinning, for the purpose of road safety and drainage stabilisation (Figure 1).

Vegetation Description: The application area is mapped as Beard vegetation association 1023, described as Medium woodland; York gum (*Eucalyptus loxophleba*), wandoo (*Eucalyptus wandoo*) and salmon gum (*Eucalyptus salmonophloia*) (Government of Western Australia, 2018).

Vegetation Condition: The condition of the vegetation within the application area is considered to be:

- Completely degraded: structure of vegetation no longer intact, area is completely or almost completely without native species (Keighery, 1994).

The vegetation condition of the application area was determined through a site inspection undertaken by the Department of Water and Environmental Regulation (DWER) officers (DWER, 2018a).

Soil/Landform Type: The application area is mapped as land subsystem 'Noombling Subsystem (Dryandra) (257DyNB)', described as long gentle and undulating hillslopes and divides, colluvium / weathered granite, gneiss and some dolerite, with yellow/brown and grey deep sandy duplexes, brown deep loamy duplexes, sandy gravels and shallow duplexes (Schoknecht et al., 2004).

Comments: The local area considered in the assessment of this application is defined as a 10 kilometre radius around the perimeter of the application area. The local area is comprised predominantly of cleared agricultural land as well as some conservation reserves; and retains approximately 34.9 per cent (approximately 11 300 hectares) native vegetation cover.



Figure 1: Application area (cross-hatched blue)

3. Assessment of application against clearing principles

The DWER site inspection determined that the vegetation within the application was in a completely degraded (Keighery, 1994) condition (DWER, 2018a).

According to available databases, seven threatened fauna species and two specially protected fauna species have been recorded within the local area (DBCA, 2007-). Noting the habitat requirements of these species, the mapped vegetation type, the distance to remnant vegetation, and the condition of the vegetation within the application area, the application area is unlikely to comprise suitable habitat for woylie (*Bettongia penicillata* subsp. *ogilbyi*, threatened), chuditch (*Dasyurus geoffroii*, threatened), maleefowl (*Leipoa ocellata*, threatened), Bilby (*Macrotis lagotis*, threatened), numbat (*Myrmecobius fasciatus*, threatened), and peregrine falcon (*Falco peregrinus*, specially protected).

Given the mapped distribution for Carnaby's Cockatoo (*Calyptorhynchus latirostris*, threatened) and red-tailed phascogale (*Phascogale calura*, specially protected) the application area may provide suitable habitat for these species. The site inspection undertaken by DWER's officers (DWER, 2018a) identified approximately five suitable habitat trees with hollows and observed that none of the hollows appeared suitable for nesting by black cockatoos given the dimensions of the hollows (ie. Not a suitable opening size) and no signs of use by fauna were observed. In addition, a fauna survey undertaken along the adjacent section of Popanyinning Road West located approximately 750 metres west of the application area identified no evidence of hollows being used by Carnaby's cockatoo, and highly degraded and isolated vegetation from any larger remnants along the road that would not have the capacity to support populations of red-tailed phascogales (Ecoedge, 2018). Noting the above, the extent of the proposed clearing, and the vegetation condition, the application area is not likely to comprise significant habitat for indigenous fauna, including species of conservation significance.

The application area is likely to function as an ecological linkage between areas of remnant vegetation in the local area, and may provide refuge for fauna moving through the landscape. On this basis, the application area may comprise a significant habitat for indigenous fauna. Given the above, the proposed clearing may be at variance to this Principle.

According to available databases, one rare flora species has been recorded within the local area. *Darwinia carnea*, has been recorded approximately 6.2 kilometres from the application area. This species is known from 8 records from the Shires of Victoria Plains (4 species), Chittering (1), Cuballing (1), Narrogin (2), and is typically associated with lateritic loam and gravel. The vegetation within the application area predominantly consists of York gum, wandoo & salmon gum with the native understorey virtually absent (DWER, 2018a). Based on the DWER site inspection, the application area is not likely to provide habitat for rare flora species. Given the above, the application area is not likely to include, or be necessary for the continued existence of, rare or priority flora.

The application area falls adjacent to the Eucalypt Woodlands of the Western Australian Wheatbelt' (Wheatbelt Woodlands) TEC. Given the condition of the vegetation and the width of the roadside patches being less than 5 metres, the trees proposed to be cleared are unlikely to comprise this TEC (DWER, 2018a). Therefore the application area is unlikely to comprise the whole or part of, or be necessary for the maintenance of a threatened ecological community.

Noting the extent of the proposed clearing, the degraded environmental values within the application area, relatively small size of the application area (10 trees), the application area is not likely to comprise a high level of biological diversity.

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). The application area is located within the Avon Wheatbelt Interim Biogeographic Regionalisation of Australia bioregion, which retains approximately 18.5 per cent of the pre-European vegetation extent, and is mapped as the vegetation association 1023, which retains approximately 10.8 per cent of the pre-European vegetation extent (Government of Western Australia, 2018). Noting the extent of the proposed clearing, vegetation condition and that the trees proposed to be cleared may comprise a significant habitat for indigenous fauna, and including the cumulative effect of clearing within Popanyinning West Road, the proposed trees are considered to be a significant remnant within extensively cleared area and therefore the proposed clearing is at variance to Principle (e).

According to available databases, a minor, perennial watercourse, intersects the application area. This finding was supported by DWER (2018a) site inspection that recorded evidence of a watercourse within the application area. The watercourse identified is located at the eastern end of the application area in the area mapped as a watercourse, and it was not flowing at the time of the inspection. No distinctive riparian vegetation was recorded during the DWER site inspection, however vegetation was present in the road reserve where the single watercourse was identified. Therefore the proposed clearing is at variance to Principle (f).

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

The closest conservation areas to the application area are Lol Gray State Forest (Class A), located 5 kilometres south of the application area, Montague State Forest (Class A) located approximately 6.8 kilometres southeast of the application area, and Napping Nature Reserve (Class A) located approximately 6.9 kilometres northwest of the application area. The application area is not within, nor does it form, an ecological linkage to any of these conservation areas. From these distances, the proposed clearing is not likely to impact the environmental values of any conservation areas in the vicinity of the application area.

Given the above, the proposed clearing is at variance to Principles (e) and (f), may be at variance to principle (b) and is not likely to be at variance to the remaining clearing principles.

Planning instruments and other relevant matters

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

The clearing permit application was advertised on DWER's website on 6 August 2018 with a 21 day submission period. No public submissions have been received in relation to this application.

The application area is located within the Murray River Surface Water Area proclaimed under the *Rights in Water and Irrigation Act 1914 (RiWI Act)*. DWER's Regulatory Services – Water advised that "If the proposed clearing activities requires the use of surface water (ie: for dust suppression) a 5C Licence to take Water will be required. Furthermore, if any clearing activities disturbs the bed and banks of the Murray River and any of its tributaries, notably the Hotham River, a Section 11/17/21 A Permit to interfere with the Bed and Banks of a Waterway may be required. The DWER's Mandurah Licencing Team will need to be consulted to provide appropriate advice and permitting if any disturbance is required. No permits have been applied for and received by the department to date" (DWER, 2018c)

DWER's Regulatory Services – Water also advised that the *WQPN 44 – Roads near sensitive water resources* (DoW, October 2006) provides best practice advice and recommendations in regards to onsite wastewater disposal, hazardous materials storage, spill response, stormwater management and rehabilitation (DWER, 2018c)

4. Applicant's submissions

On 14 November 2018, DWER wrote to the applicant outlining that significant remnant vegetation were identified during the assessment. The applicant was invited to provide additional advice regarding proposed measures to avoid and minimise impacts and offset unavoidable impacts. On 15 November 2018 a response was received from the applicant advising that the Shire is prepared to relinquish a portion of Crown Reserve 2556 as an offset for the clearing by amending the reserve purpose from "Gravel" to "Conservation";

5. Consideration of variances following applicant's submissions / further information

Given no changes to the application area were proposed by the applicant, the variances against the clearing principles were not updated.

It is noted that upgrades to the road will provide a public benefit including improved road safety and drain stabilisation.

It is considered that the proposed impacts to the significant remnant vegetation is of a scale that can be offset through the conservation of a portion of Crown Reserve 2556 as proposed by the applicant. Further details on the offset are provided in Section 6.

It is considered that standard hygiene management practices are appropriate to mitigate the risk of weed spread/introduction.

6. Suitability of proposed offset

The offset site is located approximately 29.5 kilometres east of the application area. The offset site is mapped as the same Beard vegetation association as the application area. A site inspection of the offset site identified that it is also dominated by wandoo and *Allocasuarina spp.* (DWER, 2018b). It is considered that the offset site contains environmental values that relate to those being lost.

To determine what offset size would be adequately proportionate to the significance of the environmental values being impacted, DWER undertook a calculation using the Commonwealth Offsets Assessment Guide. The calculation indicated that the conservation of 0.185 hectares is required. The applicant has agreed to relinquish a 0.185 portion of Crown Reserve 2556 (Shire of Cuballing, 2018).

Given the above, the conservation of 0.1852 hectares of Crown Reserve 2556 is considered adequate to counterbalance the significant residual impacts of the proposed clearing consistent with the *WA Environmental Offsets Policy September 2011*.

7. References

- Department of Biodiversity, Conservation and Attractions (DBCA). (2007). NatureMap: Mapping Western Australia's Biodiversity. Department of Parks and Wildlife. Retrieved from <http://naturemap.dpaw.wa.gov.au/>. Accessed August 2018
- Department of Water and Environmental Regulation. (DWER). (2018a). Site inspection report for clearing permit application CPS 8129/1, undertaken 10September 2018. (DWER Ref: A1724350).
- Department of Water and Environmental Regulation (DWER). (2018b). Water advice for CPS 8129/1. Department of Water and Environmental Regulation. Western Australia (DWER ref. A11712281).
- Department of Water and Environmental Regulation. (DWER). (2018c). Site inspection report for clearing permit application CPS 8129/1, undertaken 10September 2018. (DWER Ref: A1724350).
- Ecoedge. (November, 2018). *Habitat Tree Assessment of Proposed Clearing Areas (CPS 7678/2)*. Popanyinning Road West (~SLK 11.76 to 13.90). Fauna Survey provided in relation to CPS 7678/2, received 4 November 2018. (DWER ref. A1739252)
- 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. Available from: <https://catalogue.data.wa.gov.au/dataset/dbca-statewide-vegetation-statistics>
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Mattiske, E.M. and Havel, J.J. (1998) Vegetation Complexes of the South-west Forest Region of Western Australia. Maps and report prepared as part of the Regional Forest Agreement, Western Australia for the Department of Conservation and Land Management and Environment 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.
- Shire of Cuballing (2018) Additional information provided in relation to CPS 8129/1. Received 16 November 2018 (DWER ref: A1739787).

GIS databases:

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