



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 8134/1
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: Shire of Katanning
Application received date: 16 July 2018

1.3. Property details

Property: Lot 31 on Deposited Plan 227438 (Crown Reserve 4769)
Local Government Authority: Shire of Katanning
Localities: Moojebing

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
0.57511		Mechanical Removal	Extractive Industry

1.5. Decision on application

Decision on Permit Application: Refused
Decision Date: 21 February 2020

Reasons for Decision: A preliminary assessment of the clearing permit application against the clearing principles, planning instruments and other matters in accordance with section 51O of the *Environmental Protection Act 1986* (EP Act) has been undertaken. This assessment determined that the application area may comprise significant habitat for flora and fauna species of conservation significance, may be representative of a threatened ecological community (TEC) and may be necessary for the maintenance of any nearby occurrences of this TEC. The above assessment also determined that the proposed clearing is a significant remnant within an area that has been extensively cleared. Given the above, the proposed clearing may be at variance with principles (a), (b), (c) and (d), is at variance with principle (e) and is not likely to be at variance with any of the remaining clearing principles.

On 17 December 2018, a letter was sent by the Department of Water and Environmental Regulation (DWER) to the applicant advising them of the potential environmental impacts of the proposed clearing. This letter also notified the applicant of the additional information which was required to support the assessment of this clearing permit application.

After not receiving a response to the above letter, DWER sent an additional letter to the applicant dated 13 February 2019, noting that the information requested in the letter dated 17 December 2018 had not been provided. The applicant was given an additional 30 days for this information to be provided to DWER.

In correspondence received by DWER on 26 February 2019, the applicant advised that the application area had already been cleared and as result the information sought by DWER to support this clearing permit assessment could no longer be provided.

In determining to refuse the clearing permit application, the Delegated Officer determined that based on the above developments the assessment of the proposed clearing against the clearing principles could not be completed.

2. Site Information

Clearing Description The application is for the clearing of up to 0.57511 hectares of native vegetation within Lot 31 on Deposited Plan 227438 (Crown Reserve 4769), for the purposes of creating a gravel pit to provide road construction materials.

Vegetation Description The application area is situated within the following mapped vegetation complex's (Shepherd et al. 2001):

- 1023: Medium woodland; York Gum (*Eucalyptus loxophleba*), Wandoo (*Eucalyptus wandoo*) and Salmon Gum (*Eucalyptus salmonophloia*); and
- 1073: Medium woodland; Wandoo (*Eucalyptus wandoo*) and Mallet (*Eucalyptus* sp.).

A review of photographs of the application area provided by the applicant determined that the

vegetation community within the application area comprises of mixed *Eucalyptus* sp. woodland over *Allocasuarina* sp. and Parrot Bush (*Banksia sessilis*) over mixed shrubs and grasses.

Vegetation Condition

A review of photographs of the application area provided by the applicant determined the vegetation in the application area ranges in condition from:

- Very Good (Keighery 1994): Vegetation structure altered, obvious signs of disturbance;
- Good (Keighery 1994): Vegetation structure significantly altered by very obvious signs of multiple disturbance; retains basic structure or ability to regenerate; to
- Degraded (Keighery 1994): Basic vegetation structure severely impacted by disturbance. Scope for regeneration, but not to a state approaching good condition without intensive management.

Soil type

The application area is mapped as occurring within the following land systems (Department of Primary Industry and Regional Development 2017):

- Carrolup 1 Subsystem: Gravelly soils capping hill crests and upper slopes in the Carrolup system; and
- Carrolup 2 Subsystem: Grey sandy duplex soils on slopes, hill crests and less commonly minor drainage lines, within the Carrolup system.

Comments

The local area referred to in the below assessment is defined as the area within a 10 kilometre radius of the application area.



Figure 1: The application area (shown in blue) in comparison to the local Lot boundaries (shown in yellow).

3. Assessment of application against clearing principles

The proposed clearing represents an expansion of existing gravel pits to allow road base material to be sourced. This location has been selected by the applicant as there are few local sources of gravel available. The location has been deemed to be crucial to the applicant’s future road building campaigns.

A review of available databases determined that 13 flora species of conservation significance have been recorded in the local area, comprising one Priority 1 flora species, three Priority 2 flora species, two Priority 3 flora species, four Priority 4 flora

species and three Threatened flora species (Western Australian Herbarium 1998-). No recorded occurrences of these flora species occur within the application area (Western Australian Herbarium 1998-). After comparing the habitat requirements of the above species to the habitats identified within the photographs of the application area, it was considered that the application area could provide suitable habitat for the below species:

- *Banksia lepidorhiza* (Priority 1) is known from 17 records within the Avon Wheatbelt Interim Biogeographic Regionalisation of Australia (IBRA) region from numerous soil types and landscape positions (Western Australian Herbarium 1998-). The closest recorded occurrence of this species has been recorded approximately 8.4 kilometres from the application area;
- *Banksia acanthopoda* (Priority 2) is known from 24 records within the Avon Wheatbelt and Jarrah Forest IBRA regions from soil types including gravelly loam, red-brown gravelly loam over laterite, brown sandy loam with laterite, orange gravelly clay-sand, dry grey-brown sandy gravel and laterite and gravelly clay-sand over laterite (Western Australian Herbarium 1998-). The closest recorded occurrence of this species has been recorded approximately 8.3 kilometres from the application area;
- *Banksia rufistylis* (Priority 2) is known from 12 records within the Avon Wheatbelt and Mallee IBRA regions from soils including lateritic soils, red-brown loams and lateritic gravels, grey sand over laterite and gravelly loams or sands (Western Australian Herbarium 1998-). The closest recorded occurrence of this species has been recorded approximately 9.4 kilometres from the application area;
- *Grevillea newbeyi* (Priority 3) is known from 35 records within the Avon Wheatbelt and Mallee IBRA regions from gravelly clay loam and sandy gravelly soils (Western Australian Herbarium 1998-). The closest recorded occurrence of this species has been recorded approximately 9.4 kilometres from the application area;
- *Verticordia brevifolia* subsp. *brevifolia* (Priority 3) is known from 19 records within the Avon Wheatbelt, Jarrah Forest and Mallee IBRA regions from numerous soil types and landscape positions (Western Australian Herbarium 1998). The closest recorded occurrence of this species has been recorded approximately 9 kilometres from the application area;
- *Acacia grisea* (Priority 4) is known from 28 records within the Avon Wheatbelt, Esperance Plains, Jarrah Forest and Mallee IBRA regions from numerous soil types and landscape positions (Western Australian Herbarium 1998). The closest recorded occurrence of this species has been recorded approximately 8.4 kilometres from the application area;
- The Threatened flora species *Verticordia fimbrilepis* subsp. *fimbrilepis* is known from 39 records within the Avon Wheatbelt and Jarrah Forest IBRA regions from numerous soil types and landscape positions (Western Australian Herbarium 1998). The closest recorded occurrence of this species has been recorded approximately 6.9 kilometres from the application area; and
- The Threatened flora species *Caladenia luteola* is known from 5 records within the Avon Wheatbelt IBRA region from varying soils on low-lying plains and slopes (Western Australian Herbarium 1998). The closest recorded occurrence of this species has been recorded approximately 7.3 kilometres from the application area.

A review of available databases determined that the local area retains less than 14.3 per cent of its pre-European clearing extent. When the above is considered alongside the condition of the vegetation found in the application area and the knowledge that the application area is a component of a confined remnant of native vegetation, the application area could represent significant habitat for flora species of conservation significance. Based on the above, the proposed clearing may be at variance to clearing principles (a) and (c).

A review of available databases has determined that 14 extant fauna species of conservation significance have been recorded in the local area (Department of Biodiversity, Conservation and Attractions 2007-). These species habitat requirements were compared to the habitats observed in the application area. In addition, available databases were searched for records of the above species within the surrounding region. When species who have no contemporary records in the surrounding region, whose habitat requirements are not met by the application area and migratory species are accounted for, the application area may provide suitable habitat for the following fauna species of conservation significance:

- Western Quoll (*Dasyurus geoffroi*) (Vulnerable under the *Biodiversity Conservation Act 2016* (BC Act) and Vulnerable under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act));
- Peregrine Falcon (*Falco peregrinus*) (listed as 'other specially protected fauna' under the BC Act);
- Malleefowl (*Leipoa ocellata*) (Vulnerable under the BC Act and Vulnerable under the EPBC Act);
- Numbat (*Myrmecobius fasciatus*) (Endangered under the BC Act and Endangered under the EPBC Act);
- Red-tailed Phascogale (*Phascogale calura*) (listed as 'conservation dependant fauna' under the BC Act and Vulnerable under the EPBC Act); and
- Western Rosella (inland) (*Platycercus icterotis* subsp. *xanthogenys*) (Priority 4).

As discussed within Section 2 of this report, the condition of the vegetation in the application area ranges from Very Good (Keighery 1994) to Degraded (Keighery 1994). In addition, the application area is part of a confined remnant of native vegetation and the local area retains less than 14.3 per cent of its pre-European clearing extent. Given the potential for the above species to occur within the application area, the application area potentially represents significant habitat for fauna species of conservation significance and may also be necessary for the maintenance of adjacent areas of fauna habitat. Based on the above, the proposed clearing activities may be at variance to principle (b).

A review of available databases has determined that the application area is situated within a mapped occurrence of the 'Eucalypt woodlands of the Western Australian Wheatbelt' Priority 3 priority ecological community (PEC). This ecological community is also listed under the EPBC Act as a 'Critically Endangered' threatened ecological community (TEC). The approved conservation advice for this TEC specifies a number of criteria for vegetation to be considered representative of this TEC (Threatened Species Scientific Committee 2015). These criteria include a woodland structure where the trees are typically spaced and the canopy is open, the canopy is dominated by Eucalypt species (those with a tree or mallet growth form), the minimum crown cover of the tree canopy in a mature woodland is 10% and understories which are highly variable in structure and composition (Threatened Species Scientific Committee 2015). The distribution of this ecological community is recognised as being limited to the Avon Wheatbelt IBRA Region (Merredin and Katanning subregions), Mallee IBRA Region (Western Mallee subregion) and the Jarrah Forest IBRA Region; limited to the outlying patches in the eastern regions of the Northern

Jarrah Forests and Jarrah Forest subregions adjacent to the Avon Wheatbelt, which are off the Darling Range and receive less than 600 millimetres of annual rainfall (Threatened Species Scientific Committee 2015). These criteria also specify minimum patch sizes and condition ratings, which include a requirement that a patch should meet at least a 'Degraded' to 'Good' (Keighery 1994) condition rating, and minimum patch sizes of two hectares for vegetation in 'Good' (Keighery 1994) or better condition (Threatened Species Scientific Committee 2015). Patches in 'Good' (Keighery 1994) to 'Degraded' (Keighery 1994) condition must have a minimum patch size of five or more hectares (Threatened Species Scientific Committee 2015).

As outlined in Section 2 of this report, the vegetation within the application area features a canopy containing *Eucalyptus* species and the application area is situated within the Katanning IBRA subregion. Furthermore, the application area is part of a confined remnant of similar native vegetation that may meet the condition and size thresholds to be considered part of the above TEC. Noting the presence of adjacent vegetation of similar type to that present within the application area, the application area may also be necessary for the maintenance of an adjacent occurrence of this TEC. Given the above, the application area may comprise a part of this TEC and may also be necessary for the maintenance of this TEC. The proposed clearing activities may be at variance to principle (d).

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 forms part of the Avon Wheatbelt IBRA region, which retains only approximately 18.5 per cent of its pre-European clearing extent (Government of Western Australia 2017). Vegetation complex 1023 and 1073 currently retain only approximately 10.8 and 35.9 per cent of their pre-European clearing extents, respectively. In addition, the current extent of vegetation complex 1073 is only approximately 5,158 hectares (Government of Western Australia 2017). A review of available databases has determined that the local area retains less than 14.3 per cent of its pre-European clearing extent. When appropriate consideration is given to the extensively cleared nature of the Avon Wheatbelt IBRA Region, vegetation complex 1023 and the local area, the proposed clearing is at variance to principle (e).

A review of available databases and aerial photography of the application area has determined that no watercourses or wetlands exist within the application area. No vegetation growing in association with watercourses or wetlands will be impacted by the proposed clearing.

A review of aerial photography of the application area and its surrounds, along with photographs of the application area provided by the applicant, did not identify any land degradation impacts within the application area or its surrounds from past clearing campaigns. When the above is considered alongside the extent of the application area and the extensively cleared nature of the local area, no land degradation impacts are expected to result from the proposed clearing. No impacts to the quality of local surface water or ground water resources, or the incidence or intensity of flooding, are expected to result from the proposed clearing.

There are three managed conservation reserves situated within the local area. These comprise the Moojebing Nature Reserve situated approximately 2.8 kilometres north east of the application area, the Woodanilling Nature Reserve situated approximately 7 kilometres north of the application area and an unidentified conservation reserve situated approximately 9.2 kilometres south east of the application area. When consideration is given to the separation distances between the application area and these conservation reserves, no impacts to the ecological values of these conservation reserves or any ecological linkages promoting species diversity and recruitment within these conservation reserves are anticipated to result from the proposed clearing.

Given the above, the proposed clearing may be at variance to principles (a), (b), (c) and (d), is at variance to principle (e) and is not likely to be at variance to any of the remaining clearing principles.

Planning instruments and other relevant matters

On 17 December 2018 the Department of Water and Environmental Regulation (DWER) wrote to the applicant advising of the potential environmental impacts which could result from the proposed clearing and notifying them that additional information was required to support the assessment of the proposed clearing. The information required comprised a flora and vegetation survey to determine whether conservation significant flora species were present within the application area and to determine whether the vegetation community within the application area is representative of the 'Eucalypt woodlands of the Western Australian Wheatbelt' TEC. In addition the applicant was required to provide additional information regarding how they intended to avoid or further minimise the impact of the proposed clearing and offset any significant residual environmental impacts, given the extensively cleared nature of the local area, vegetation complex 1023 and the Avon Wheatbelt IBRA region.

After not receiving a response to the above correspondence, DWER wrote to the applicant dated 13 February 2019, noting that the information requested in the letter dated 17 December 2018 had not been provided. The applicant was given an additional 30 days for this information to be provided to DWER.

In correspondence received by DWER on 26 February 2019, the applicant advised that the application area had already been cleared. As a result of this clearing, the applicant advised that the requested surveys of the application area could not be undertaken. Given these developments, the information required to complete the assessment of the proposed clearing against the clearing principles cannot be obtained and the assessment of the proposed clearing against the clearing principles remains.

No sites of Aboriginal heritage significance have been mapped within the application area. In correspondence dated 25 October 2018, the South West Aboriginal Land and Sea Council (SWALSC) advised that this clearing permit application was presented to the Wagyl Kaip and Southern Noongar Working Party (WP) at a meeting on 20 September 2018. The members of the WP sought further information on the purpose and location of the clearing of the native vegetation. The SWALSC notes that the permit area is on Reserve 9082 and the WP is very concerned that the permit area is close to an Aboriginal Reserve area. Before any further action is taken, the SWALSC strongly requests further information on Reserve 9082 and the exact location of the clearing permit area. The SWALSC advises that reserve areas which were previously Aboriginal

Reserves are highly significant areas for the Noongar people. A review of available databases found the application area is situated on Crown Reserve 4769. The applicant is advised to ensure that all requirements under the *Aboriginal Heritage Act 1972* pertaining to this project are complied with.

In correspondence dated 17 September 2018, the Katanning Land Conservation District Committee (the LCDC) advised that they did not object to the proposed clearing. However, the LCDC suggested that the applicant be requested to offset the clearing with an equivalent amount of revegetation or rehabilitation of the area no longer in use for gravel extraction, as a minimum.

The clearing permit application was advertised for public comment on the DWER's website on 4 September 2018 for a period of 21 days. No public submissions were received.

4. References

- Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.
- Department of Biodiversity, Conservation and Attractions (2007-) NatureMap: Mapping Western Australia's Biodiversity. Department of Parks and Wildlife. URL: <http://naturemap.dpaw.wa.gov.au/>.
- Department of Primary Industry and Regional Development (2017). NRInfo Digital Mapping. Department of Primary Industry and Regional Development. Government of Western Australia. URL: <https://maps.agric.wa.gov.au/nrm-info/>. Accessed November 2018.
- Government of Western Australia (2017) 2017 Statewide Vegetation Statistics (formerly the CAR Reserve Analysis) – Full Report. Current as of December 2017 (based on most recent date of input datasets). Prepared by the Department of Biodiversity, Conservation and Attractions (DBCA), Perth. Published February 2018.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- 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.
- Threatened Species Scientific Committee (2015) *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) Approved Conservation Advice (including listing advice) for the Eucalypt Woodlands of the Western Australian Wheatbelt. Conservation advice approved 26 November 2015. Available from: <http://www.environment.gov.au/biodiversity/threatened/communities/pubs/128-conservation-advice.pdf>.
- Western Australian Herbarium (1998-) FloraBase - The Western Australian Flora. Department of Biodiversity, Conservation and Attractions. <http://florabase.dpaw.wa.gov.au/>.

GIS Databases:

- Aboriginal Sites of Significance;
- CPS Desktop Search;
- Department of Biodiversity, Conservation and Attractions, Managed Tenure;
- Geomorphic Wetlands Management Category;
- Hydrography Linear – Linear;
- Hydrography WA 250K – Surface Water Lines;
- SAC bio datasets;
- TPFL October 2018;
- Vegetation Complexes – Pre-European Vegetation;
- WA Herb Data October 2018; and
- WA TEC PEC Boundaries.