



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 8214/1
Permit Holder:	Shire of Augusta Margaret River
Duration of Permit:	10 January 2019 to 10 January 2024

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 constructing a dual pathway

2. Land on which clearing is to be done

Lot 331 on Plan 71864, Leeuwin
Lot 332 on Plan 71864, Leeuwin
Lot 852 on Plan 64848, Shire of Augusta Margaret River
Leeuwin Road Reserve (PIN 11607705), Leeuwin

3. Area of Clearing

The Permit Holder must not clear more than 0.86 hectares of native vegetation within the area shaded yellow on attached Plan 8214/1.

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 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:

- avoid the clearing of native vegetation;
- minimise the amount of native vegetation to be cleared; and
- reduce the impact of clearing on any environmental value.

7. Western Ringtail Possum Management

- (a) In relation to the area cross-hatched yellow on attached Plan 8214/1, the Permit Holder must engage a *fauna specialist* to inspect that area immediately prior to, and for the duration of clearing, for the presence of (*Pseudocheirus occidentalis*) western ringtail possum(s).
- (b) Clearing must cease in any area where fauna referred to in condition 7(a) above are identified until either:
 - (i) the western ringtail possum(s) individual has been removed by a *fauna specialist*; or
 - (ii) the western ringtail possum(s) individual has moved on from that area to adjoining *suitable habitat*.
- (c) Any western ringtail possum (*Pseudocheirus occidentalis*) individuals removed in accordance with condition 7(b)(i) of this Permit must be relocated by a *fauna specialist* to *suitable habitat*.
- (d) Where fauna is identified under condition 7(a) of this Permit, the Permit Holder must provide the following records to the *CEO* as soon as practicable:
 - (i) the number of individuals identified;
 - (ii) the date each individual was identified;
 - (iii) the location where each individual was identified 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;
 - (iv) the number of individuals removed and relocated;
 - (v) the date each individual was removed;
 - (vi) the date each individual was relocated;
 - (vii) the location where each individual was relocated to, recorded using a GPS unit set to GDA94, expressing the geographical coordinates in Eastings and Northings or decimal degrees; and
 - (viii) details pertaining to the circumstances of any death of, or injury sustained by, an individual.

8. 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.

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) activities in relation to condition 7 of this Permit; and
- (f) actions taken to minimise the risk of the introduction and spread of *weeds* and *dieback* in accordance with condition 8 of this Permit

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*;

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, 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;

suitable habitat: means habitat known to support western ringtail possums (*Pseudocheirus occidentalis*) within the known current distribution of the species. This often includes stands of myrtaceous trees (usually Peppermint Tree (*Agonis flexuosa*)) growing near swamps, watercourses or floodplains, and at topographic low points which provide cooler, often more fertile, conditions.

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.



Samara Rogers
MANAGER
NATIVE VEGETATION REGULATION

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

11 December 2018

Plan 8214/1

115°9.720'E

115°9.840'E

115°9.960'E

115°10.080'E

34°21.480'S

34°21.600'S

34°21.720'S

34°21.480'S

34°21.600'S

34°21.720'S

115°9.720'E

115°9.840'E

115°9.960'E

115°10.080'E

LOT 331 ON PLAN 71864

LOT 306 ON PLAN 49925

SHIRE OF AUGUSTA-MARGARET RIVER


Leeuwin Rd

LOT 852 ON PLAN 64848

LOT 332 ON PLAN 71864

Leeuwin Rd

Legend

 Areas approved to clear
base layers

 Cadastre

 Local Government Authorities

 Roads

Image



0 50 100 150 200 m



MGA 94
Geocentric Datum of Australia 1994

Samara Rogers
2018.12.11 10:18:05 +08'00'

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



GOVERNMENT OF
WESTERN AUSTRALIA



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 8214/1
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: Shire of Augusta Margaret River
Application received date: 4 October 2018

1.3. Property details

Property: ROAD RESERVE - 11607705, LEEUWIN
LOT 331 ON PLAN 71864, LEEUWIN
LOT 332 ON PLAN 71864, LEEUWIN
LOT 852 ON PLAN 64848, AUGUSTA-MARGARET RIVER, SHIRE OF
AUGUSTA-MARGARET RIVER, SHIRE OF
LEEUWIN

Local Government Authority:
Localities:

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
0.86	0	Mechanical Removal	Recreation

1.5. Decision on application

Decision on Permit Application: Granted
Decision Date: 11 December 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* (EP Act). It has been concluded that the proposed clearing may be at variance to principle (b) and is not likely to be at variance to the remaining principles.

Through the assessment it was determined that the application area comprises suitable habitat for western ringtail possum. The Delegated Officer noted that suitable habitat occurs adjacent to the application area within vegetation in a similar condition and the small size of the proposed clearing may be significant. A fauna management condition requiring a fauna spotter to be present during clearing operations will ensure that no direct impacts to individuals occurs.

The proposed clearing may increase the risk of weeds spreading into adjacent vegetated areas. A weed management condition has been placed on the permit to mitigate the impact of spreading weeds and dieback.

In determining to grant a clearing permit subject to conditions, the Delegated Officer determined that potential impacts to fauna species can be adequately minimised and/or avoided by imposing fauna management measures and that the proposed clearing is unlikely to lead to any unacceptable risk to the environment.

2. Site Information

Clearing Description The application is to clear 0.86 hectares of native vegetation within Lot 852 on Plan 64848, Shire of Augusta Margaret River, Lot 331 and Lot 332 on Plan 71864, Leeuwin and Leeuwin Road Reserve (PIN 11607705), Leeuwin, for the purpose of constructing a dual use path.

Vegetation Description The application area has been mapped as South West vegetation (previously Mattiske) Wilyabrup complex which is described as;
"Woodland of *Corymbia calophylla-Eucalyptus marginata* subsp. *marginata* with closed heath of *Myrtaceae-Proteaceae-Papilionaceae* spp. on steep rocky slopes in the hyperhumid zone" (Mattiske 1998).

A site inspection undertaken by DWER indicates that application area is closed coastal heath associated with calcareous sands and the southern section contained low closed Peppermint forest.

Vegetation Condition

Very good: Vegetation structure altered, obvious signs of disturbance (Keighery, 1994).

To

Degraded: Basic vegetation structure severely impacted by disturbance, scope for regeneration but not to a state approaching good condition without intensive management (Keighery, 1994).

Soil Type

The application area has been mapped as Wilyabrup exposed slopes Phase which is described as "Low slopes (gradients generally 5-10%) exposed to strong winds off ocean" (Schoknecht et al., 2004).

3. Minimisation and mitigation measures

The applicant advised that the proposed path alignment has been modified to reflect recommendations in the flora and fauna surveys, provided by Litoria Ecoservices, to minimise impacts upon the low closed forest of *Agonis flexuosa* and associated western ringtail possum habitat. Construction of a pathway adjacent to Leeuwin Road has been extensively investigated, however road safety requirements would result in an offset from the road and as such would result in minimal reduction in clearing compared to the proposed path alignment. Furthermore, in the Leeuwin Road Reserve, construction of pathway near the road is not feasible due to the presence of rare threatened flora *Kennedia lateritia* (Shire of Augusta-Margaret River).

The applicant further advised that where there is sufficient width in the Shire reserve, the path alignment has been chosen based on grades/landforms to minimise cutting/filling and therefore construction and clearing footprint. The path designer is cognisant of the dunal nature of parts of the site and will ensure that construction detail reflects the nature of the site and materials and construction techniques to both minimise short term construction impacts and also the success of long term rehabilitation works. The designer will also use the trail and trail infrastructure to reduce inappropriate vehicle access to some of the granite outcrops in this section of the coast (Shire of Augusta-Margaret River).

4. Assessment of application against clearing principles

The application is to clear 0.86 hectares of native vegetation within Lot 852 on Plan 64848, Shire of Augusta Margaret River, Lot 331 and Lot 332 on Plan 71864, Leeuwin and Leeuwin Road Reserve (PIN 11607705), Leeuwin, for the purpose of constructing a dual path.

The local area considered in the assessment of this application is defined as a 10 kilometre radius measured from the centre of the area under application.

According to available databases, three rare flora species and 20 priority flora species have been recorded within the local area. *Caladenia excelsa* (Threatened), *Caladenia lodgeana* (Threatened) and *Kennedia lateritia* (Threatened) have been mapped as occurring within the same soil and vegetation types than that mapped within the application area. A flora survey undertaken in October 2017 (Litoria Ecoservices, 2017a) found that no rare or priority flora were recorded within the application area. Given this, the proposed clearing is unlikely to impact rare flora species.

According to available databases, 21 threatened fauna species, 20 fauna species protected under international agreement, four Priority 4, one Priority 3, one Priority 1 species and five fauna species classified as other specially protected fauna, have been recorded within the local area (Department of Biodiversity, Conservation and Attractions, 2007-). Of these 21 threatened fauna species, eight terrestrial species were mapped within the local area.

Of the threatened or priority fauna species identified, it is likely for the application area to comprise potential habitat for the western ringtail possum (*Pseudocheirus occidentalis*), quenda (*Isoodon obesulus subsp.*), Baudin's cockatoo (*Calyptorhynchus baudinii*), forest red-tailed black-cockatoo (*Calyptorhynchus banksii subsp. Naso*), Carnaby's cockatoo (*Calyptorhynchus latirostris*), brush-tailed phascogale (*Phascogale tapoatafa ssp.*), western brush wallaby (*Macropus irma*) and masked owl (*Tyto novaehollandiae subsp. Novaehollandiae*).

A fauna survey undertaken in October and November 2017 (Litoria Ecoservices, 2017b) identified the presence of western ringtail possums (WRP) throughout the southern portion of the application area, was evident by the presence of dreys throughout the vegetation unit (DWER, 2018a). A DWER site inspection confirmed the presence of WRP habitat within the application area (DWER, 2018a). Given that *Agonis flexuosa*, present in the southern section of the application, are considered critical habitat to WRP, and the presence of dreys, the application area comprises of habitat for WRP. Given the surrounding vegetation is in a similar condition and is also likely to be utilised by WRP, the vegetation may be considered significant. To minimise any potential impacts to individual WRP, a fauna management condition requiring the presence of a fauna spotter during any clearing will help mitigate direct and indirect impacts to WRP individuals.

According to the fauna survey, evidence (diggings) of quenda utilising the southern portion of the application area was observed (Litoria Ecoservices, 2017b). Quenda prefer areas of dense understory containing coastal sword sedge (*Lepidosperma gladiatum*). Given that there were a limited number of diggings observed (Litoria Ecoservices, 2017b) and substantial suitable habitat along the coast further north of the application area, the proposed clearing is unlikely to have a significant impact on quenda habitat.

No sightings or evidence of the brush-tailed phascogale, masked owl and black cockatoos of either species were recorded during the survey (Litoria Ecoservices, 2017). The western brush wallaby are frequently sighted in or around large un-fragmented blocks of remnant vegetation in the Capes region. Given the connectivity of the site to large areas of un-fragmented remnant vegetation, it is possible that this species utilises the site. However, given there is substantial habitat along the coast further north of the application area and that the application area is adjacent to the Leeuwin Naturaliste National Park that contains similar habitat, the application area is likely to contain significant habitat for these species.

According to available databases, two threatened ecological communities (TEC) and one priority ecological community (PEC) have been recorded in the local area. The "Rimstone Pools and Cave Structures Formed by Microbial Activity on Marine Shorelines" TEC (listed as endangered) occurs approximately 2410.63 metres southwest of the application area and the "Coastal saltmarsh - Subtropical and Temperate Coastal Saltmarsh" TEC (listed as vulnerable) occurs approximately 4242.22 metres north east from the application area. Noting the species composition of these TECs, the mapped vegetation type within the application area (Litoria Ecoservices, 2017) and the extent of the proposed clearing, the application area is not likely to be comprised of these TECs, or be necessary for the maintenance of a TEC.

The National Objectives Targets for Biodiversity Conservation includes a target to prevent the clearance of ecological communities with extents below 30 per cent of their pre-European extent (Commonwealth of Australia, 2001). The application area contains South West vegetation Wilyabrup complex, a naturally restricted and unique vegetation complex, due to its isolation from other granitic landforms of the broader south west. While this complex may have 70% of its pre-European extent remaining uncleared, this actually corresponds to 777 hectares which is below the Molley et al., (2007) recommended level of 1500 hectares as the amount of a vegetation complex required for retention to maintain ecosystem function (Department of Biodiversity, Conservation and Attractions, 2018). From this, only 99 hectares of the Wilyabrup complex is within land protected for conservation (Department of Biodiversity, Conservation and Attractions, 2018). As such, this vegetation complex should be considered highly cleared in terms of representation of ecological communities. Given that the application area predominantly contains *Agonis flexuosa* and coastal heath (DWER, 2018a), the application area is not a representative of the Wilyabrup complex. Therefore the application area is not considered a significant remnant in an area that has been extensively cleared.

According to available databases, the closest conservation area is the Leeuwin-Naturaliste National Park occurs approximately 18.37 metres west of the application area on the western site of Leeuwin Road. Given that the Leeuwin Naturaliste National Park occurs on the other side of Leeuwin Road and the linear nature and small area under application (0.86ha), the proposed clearing is not considered to have an impact on the environmental values of any adjacent or nearby conservation areas.

There are no wetlands or watercourses mapped within the application area. Subsequently, it is considered that the proposed clearing is unlikely to impact on vegetation growing in association with a wetland or watercourse, deteriorate the quality of groundwater or surface water or cause, or exacerbate, the incidence or intensity of flooding. 50 to 70 per cent of soils within the application area are considered to have a high to extreme risk of wind erosion. Given the mitigation and minimisation measures outlined by the applicant aimed to minimise the construction and clearing footprint, the risk of wind erosion will be minimised. Therefore, it is not considered likely for the proposed clearing to cause appreciable land degradation.

Given the above, the proposed clearing may be at variance for principle (b) and 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 Department of Biodiversity, Conservation and Attractions (DBCA) has advised that the smallest machines possible to be used in order to minimise the clearing footprint (DBCA, 2018). DBCA also advised that two significant bushland weeds, being Black Flag (*Ferraria crispa*) and Dolichos Pea (*Dipogon lignosus*), should be clearly demarcated in the field and a hygiene plan developed to ensure that plant material and/or soil from the weed area is not spread.

DWER's South West Region has advised that the main risk associated with the clearing relate to erosion and sediment transport to the ocean. To mitigate this risk, the South West Region advised that care should be taken to minimise erosion via site specific measures as appropriate (DWER, 2018b). The Department's Water Quality Protection Note 44, October 2006 – 'Roads near sensitive water resources' contains information to assist in mitigating erosion effects where relevant and appropriate.

The clearing permit application was advertised on the DWER website on 30 October 2018 with a 21 day submission period. No public submissions have been received in relation to this application.

5. 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. Department of Parks and Wildlife. URL: <http://naturemap.dpaw.wa.gov.au/>. Accessed October 2018
Department of Biodiversity, Conservation and Attractions (DBCA) (2018) Regional Advice for CPS 8214 received 20 November 2018, Perth.
Department of Water and Environmental Regulation (2018a) Site Inspection Report for Clearing Permit Application CPS 8214/1. Site inspection undertaken 3 December 2018. Department of Water and Environment Regulation, Western Australia.
Department of Water and Environmental Regulation (2018b) Water Online advice received 9 November 2018. Department of Water and Environmental Regulation, Perth (DWER A1737702).
Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
Litoria Ecoservices (2017a) Flora and Vegetation Assessment, Shire of Augusta Margaret River.

Litoria Ecoservices (2017b) Preliminary Western Ringtail Possum Habitat Assessment and Survey, Shire of Augusta Margaret River.

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.

Molloy, S., O'Connor, T., Wood, J. and Wallrodt, S. (2007). Addendum for the South West Biodiversity Project Area, Western Australian Local Government Association, West Perth.

Schoknecht et al. (2004) Soil-landscape mapping in south-Western Australia: an overview of methodology and outputs, Department of Agriculture and Food, Perth.

Shire of Augusta-Margaret River (2018). CPS 8214/1 Alignment – Further information. DWER Ref: A1746877

6. GIS databases

- Aboriginal sites of significance
- Department of Biodiversity, Conservation and Attractions
- Sac bio datasets access October 2018