



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 8237/1
Permit Holder:	Department of Transport
Duration of Permit:	5 February 2019 – 5 February 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

Reinstatement of Bandy Creek weir

2. Land on which clearing is to be done

Lot 2193 on Deposited Plan 38819, Bandy Creek
Lot 881 on Deposited Plan 217292, Bandy Creek

3. Area of Clearing

The Permit Holder shall not clear more than 0.3 hectares of native vegetation within the area hatched yellow on attached Plan 8237/1.

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.

PART II – MANAGEMENT CONDITIONS

5. 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.

6. 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*:

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

7. Records to 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 5 of this Permit; and
- (e) actions taken to minimise the risk of the introduction and spread of *weeds* in accordance with condition 6 of this Permit.

8. Reporting

The Permit Holder must provide to the *CEO* the records required under condition 7 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*;

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.



Samara Rogers
MANAGER
NATIVE VEGETATION REGULATION

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

7 January 2019

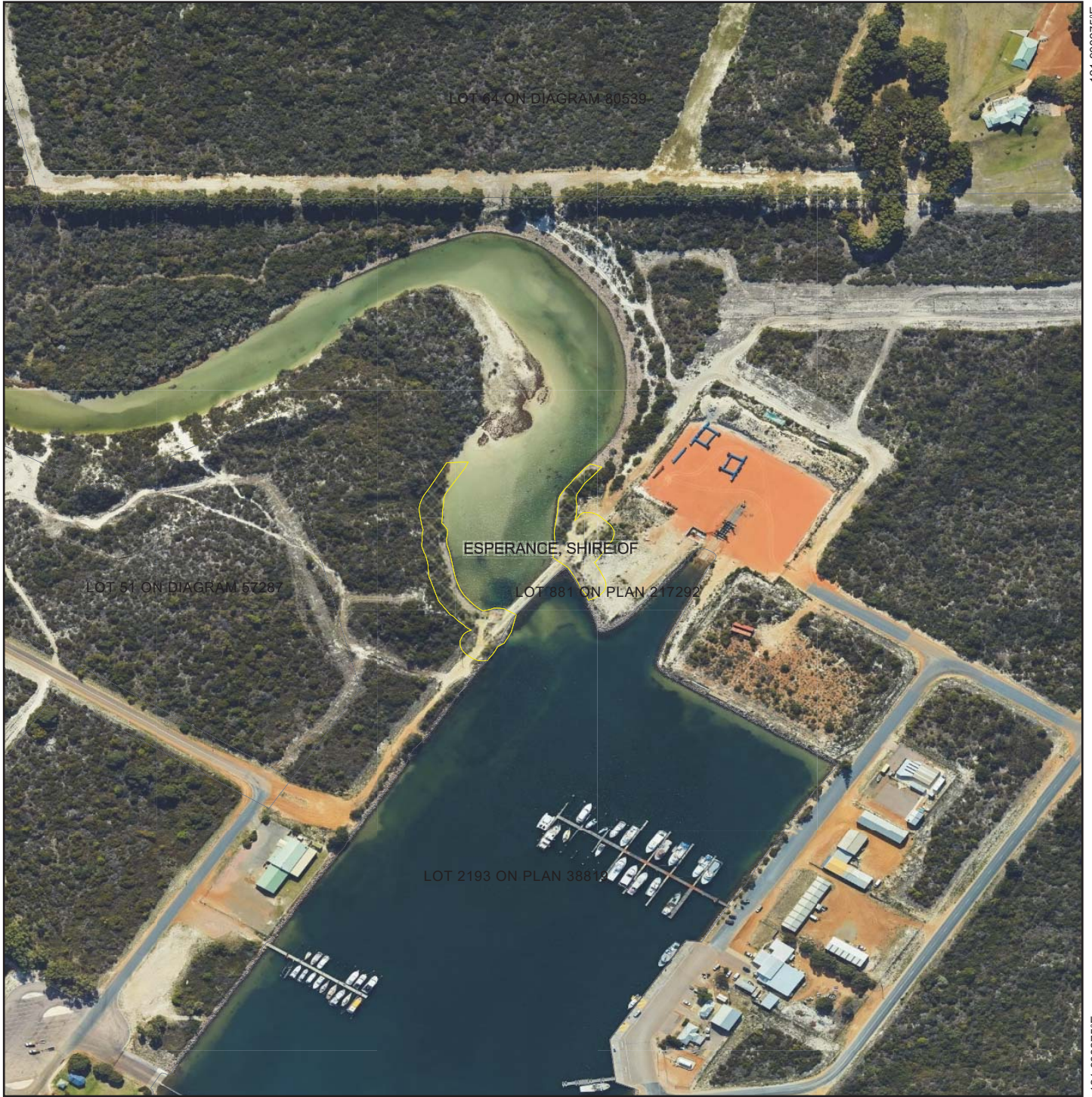
Plan 8237/1

33.826311°S

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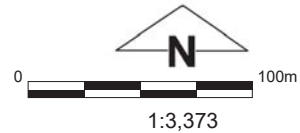
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Legend

-  Imagery
-  Cadastre
-  Clearing Instruments Activities
-  Local Government Authority



(Approximate when reproduced at A4)
GDA 94 (Lat/Long)

Geocentric Datum of Australia 1994

Samara Rogers

2019.01.07 13:35:15

+08'00'

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



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WESTERN AUSTRALIA
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1. Application details

1.1. Permit application details

Permit application No.: CPS 8237/1
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: Department of Transport
Application received date: 31 October 2018

1.3. Property details

Property: Lot 2193 on Deposited Plan 38819, Bandy Creek
Lot 881 on Deposited Plan 217292, Bandy Creek
Local Government Authority: ESPERANCE, SHIRE OF
Localities: BANDY CREEK

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
0.3		Mechanical Removal	Dam construction or maintenance

1.5. Decision on application

Decision on Permit Application: Granted
Decision Date: 7 January 2019

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*. It has been concluded that the proposed clearing is at variance to principle (f), may be at variance to principle (i) and is not likely to be at variance to any of the remaining clearing principles.

Through the assessment it was determined that the application area comprised of vegetation associated with a watercourse. The Delegated Officer noted the small amount of clearing proposed and the nature of the clearing. The Delegated Officer determined that the proposed clearing will not significantly impact this wetland and associated vegetation.

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 into adjacent vegetation.

The Delegated Officer also had consideration for the management measures proposed by the applicant.

In determining to grant a clearing permit subject to conditions, the Delegated Officer determined that the proposed clearing is unlikely to lead to any unacceptable risk to the environment.

2. Site Information

Clearing Description: The application is for the proposed clearing of 0.3 hectares of native vegetation in a footprint of 0.4204 hectares within Lot 2193 on Deposited Plan 38819 and Lot 881 on Deposited Plan 217292, Bandy Creek, for the reinstatement of Bandy Creek weir.

Vegetation Description: The vegetation within the application area has been mapped as Beard vegetation association 42: Wattle, teatree & other species *Acacia* spp. *Melaleuca* spp. (Sheppard et al, 2001).

The vegetation in the application area has been mapped by Focused Vision Consulting (2018) as:

- Open scrub of *Acacia cyclops* and *A. saligna* over an open low scrub of *A. cochlearis* over very open herbs of *Euphorbia terracina* (exotic), *Pelargonium capitatum* (exotic), and *Eragrostis curvula* (exotic);
- Dense low forest of *Melaleuca pentagona* over an open scrub of *Spyridium globulosum* and *Rhagodia baccata subsp. baccata* over very open tall sedges of *Lepidosperma gladiatum* over a very open herbland of *Lagurus ovatus* (exotic);
- Herbland of *Suaeda australis* and *Salicornia blackiana* with fringing *Melaleuca cuticularis* and *Cynodon dactylon* (exotic), on sand bar in Bandy Creek; and

- Scrub of *Spyridium globulosum* and *Templetonia retusa* over a low scrub of *A. cochlearis* and *Rhagodia baccata* subsp. *baccata* over a dense tall Sedgeland of *Lepidosperma gladiatum* over a very open herbland of *Lagurus ovatus* (exotic),

Vegetation Condition:

The condition of the vegetation within the application area ranges from very good to completely degraded (Keighery, 1994) condition (Focused Vision Consulting, 2018) defined as:

- Very good: Vegetation structure altered; obvious signs of disturbance (Keighery 1994); and
- Completely degraded: The structure of the vegetation is no longer intact and the area is completely or almost completely without native species (Keighery 1994).

Soil/Landform Type:

The application area is mapped as the following soil type:

- Tooregullup 5 Subsystem- Level plain with moderately inclined dune ridges and associated swales with occasional swamps. Calcareous deep sands associated pale deep sands and minor calcareous shallow sands (Schoknecht et al., 2004).
- Gore 3 Subsystem- Uniform sands with a yellow podzolic B horizon (Schoknecht et al., 2004).

Comments:

The local area considered in the assessment of this application is a 10 kilometre radius measured from the perimeter of the application area. The local area retains approximately 44 per cent native vegetation cover.



Figure 1: Map showing the footprint of application area

3. Minimisation and mitigation measures

The applicant has indicated that the application area makes use of existing roads and avoids impact on nearby native vegetation as much as possible (Department of Transport, 2018)

4. Assessment of application against clearing principles

According to available databases, 10 Threatened fauna species, one other specially protected fauna species, 13 fauna species protected under international agreement, one Priority 1 (P1), one (P3) and four (P4) fauna species have been recorded within the local area (Department of Biodiversity Conservation and Attractions, 2007-).

The Flora, Vegetation and Fauna Assessment undertaken by Focused Vision Consulting (2018) in April 2018, observed 19 fauna species during a field assessment of the application area, 14 of which were native and widespread. The Assessment indicated that fauna diversity is considered low because of limited size, lack of habitat diversity and historical disturbance (Focused Vision Consulting, 2018). The assessment identified that the vegetation within application area does not comprise breeding, foraging or roosting habitat for black cockatoos (Focused Vision Consulting, 2018). Noting the extent of the proposed clearing, the varying condition of the vegetation within the application area, and the extent of vegetation in the local area, the application area is unlikely to comprise significant habitat for indigenous fauna, including species of conservation significance.

According to available databases 14 priority flora species have been recorded within the local area (Western Australian Herbarium, 1998-). A field assessment undertaken by Focused Vision Consulting (2018) of the application area recorded no threatened or priority flora. It is noted that the timing of the survey (early April) is not considered optimal for the identification of priority and threatened flora. However, the desktop assessment did not return any results that suggest that Threatened flora are likely to occur within the study area. Noting this and the extent of the application area, the application area is not likely to include, or be necessary for the continued existence of, rare flora or comprise of high biodiversity.

The application area is mapped within Commonwealth listed threatened ecological community (TEC): *Proteaceae Dominated Kwongan Shrublands of the Southeast Coastal Floristic Province of Western Australia*. The assessment undertaken by Focused Vision Consulting (2018) found that the floristic composition of application area is not consistent with the mapped TEC. Given this, the application area is not likely to comprise the whole or part of, or be necessary for the maintenance of a threatened or priority ecological community.

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 Esperance Plains Interim Biogeographic Regionalisation of Australia bioregion, which retains approximately 51.5 per cent of the pre-European vegetation extent, and is mapped as Beard vegetation association 42, which retains approximately 96 per cent of the pre-European vegetation extent (Government of Western Australia, 2018). Noting this, and the extent of vegetation cover remaining in the local area (approximately 44 per cent), the application area is not likely to be significant as a remnant of native vegetation in an area that has been extensively cleared

Bandy Creek is located adjacent to the application areas (refer Figure 1). As discussed under Section 2, the vegetation in the application area comprises of a variety of vegetation groups some of which comprise riparian vegetation. Given this, native vegetation within the application area is growing in association with a watercourse. Therefore the proposed clearing is at variance to principle (f). Noting the small size of riparian vegetation, the proposed clearing is not considered significant.

Noting that a portion of the proposed clearing impact will vegetation growing in association with a watercourse, the main risk to water resources from the proposed clearing relates to the potential for soil erosion resulting in turbidity and siltation of surface water within the watercourse. Noting this, the proposed clearing may cause deterioration to the quality of surface water. The proposed clearing may be at variance to clearing principle (i). Given the extent of the proposed clearing, impacts to surface water quality are likely to be short-term.

The chief soils mapped within the application area are: Tooregullup 5 Subsystem and Gore 3 Subsystem as described above in section 2, (Schoknecht et al., 2004). These soils are not prone to wind erosion, or water erosion but may be at risk of water logging. Given the degraded to very good (Keighery, 1994) condition of the vegetation within the application area and the extent of vegetation in the local area, it is considered that the removal of 0.3 hectares of vegetation is unlikely to lead to appreciable land degradation, impact on the quality of groundwater, or result in the exacerbation of flooding on or off site

The application area is approximately two kilometers from both Lake Warden Nature Reserve and Mullet Lake Nature reserve, and approximately 2.8 kilometres from Woody Lake Nature Reserve. The Lake Warden System is classified as a RAMSAR wetland. Given the distance between these conservation areas and the application area, and noting the extent of vegetation in the local area, the proposed clearing is not likely to have an impact on the environmental values of these conservation areas.

The application area is surrounded by intact native vegetation. A weed management condition will minimise and mitigate any potential impacts to adjacent vegetation.

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

Planning instruments and other relevant matters

The application area is within a registered Aboriginal site of significance – Lodged: site ID Bandy (Barndi) Creek – (historical, mythological camp, natural feature). It is the applicant's responsibility to comply with the requirements of the *Aboriginal Heritage Act 1972* and to ensure that no Aboriginal sites of significance are disturbed as a result of any activities.

The clearing permit application was advertised on the Department of Water and Environmental Regulation's (DWER) website on 19 November 2018 with a 14 day submission period. No public submissions were received in relation to this application.

The application rea is located within the Esperance Groundwater Area under the *Rights in Water and Irrigation Act 1914* (RiWI Act). DWER's Water Licensing section advised the applicant that a permit under the RiWI Act is not required.

5. 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 Industries and Regional Development (2018). NRInfo Digital Mapping. Department of Primary Industries and Regional Development. Government of Western Australia. URL: <https://maps.agric.wa.gov.au/nrm-info/> (accessed November 2018).
- Department of Transport (2018) Clearing Permit Application, Western Australia. Ref: A1734730 and A1734735
- Government of Western Australia (2018) 2017 South West Vegetation Complex Statistics. Current as of October 2017. WA Department of Biodiversity, Conservation and Attractions, Perth.
- Focused Vision Consulting (2018). Flora, Vegetation and Fauna Assessment – Bandy Creek. Perth. DWER Ref: A1743373
- 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 Biodiversity, Conservation and Attractions. <https://florabase.dpaw.wa.gov.au/> (accessed November 2018).

GIS Databases:

- Aboriginal Sites of Significance
- DAFWA Heritage
- DBCA Estate
- DEC Covenant
- Groundwater salinity
- Hydrography, linear
- National Trust WA Covenant
- Remnant vegetation
- SAC bio datasets (accessed November 2018)
- Soils, Statewide
- Topographic contours
- Wetlands