



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 8292/1
Permit Holder:	Shire of Denmark
Duration of Permit:	14 July 2019 – 14 July 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 gravel extraction.

2. Land on which clearing is to be done

Lot 4649 on Deposited Plan 149353, Kentdale.

3. Area of Clearing

The Permit Holder must not clear more than 4.6682 hectares of native vegetation within the area hatched yellow on attached Plan 8292/1.

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. 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*:

- clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- ensure that no *dieback* or *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 area to be cleared.

PART III - RECORD KEEPING AND REPORTING

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 the extent of clearing in accordance with condition 5 of this Permit; and
- (e) actions taken to minimise the introduction and spread of *weeds* and *dieback* 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*;

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

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



Mathew Gannaway
MANAGER
NATIVE VEGETATION REGULATION

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

14 June 2019

Plan 8292/1



Legend

-  CPS areas approved to clear base layers
-  Cadastre Image



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Geocentric Datum of Australia 1994

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Officer delegated 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.: 8292/1
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: Shire of Denmark
Application received date: 14 December 2018

1.3. Property details

Property: Lot 4649 On Deposited Plan 149353
Local Government Authority: Shire of Denmark
Localities: Kentdale

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
4.6682		Mechanical Removal	Extractive industry

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 14 June 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* (EP Act). It has been concluded that the proposed clearing is not likely to be at variance to any of the clearing principles.

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

The Delegated Officer determined that the proposed clearing may increase the spread of weeds and dieback into adjacent vegetation. To minimise this risk, a condition has been placed on the permit requiring the implementation of weed and dieback management measures.

2. Site Information

Clearing Description This application proposes the clearing of up to 4.6682 hectares of native vegetation within Lot 4649 On Deposited Plan 149353, Kentdale, to facilitate gravel extraction. Lot 4649 has undergone historical clearing to facilitate agricultural developments.

Vegetation Description The application area is situated within the following mapped vegetation complexes (Mattiske et al 1998):

- 62 (Darling Plateau Uplands): Tall open forest to woodland of Jarrah (*Eucalyptus marginata* subsp. *marginata*) – Marri (*Corymbia calophylla*) – Bull Banksia (*Banksia grandis*) – Sheoak (*Allocasuarina fraseriana*) on low hills and with Karri She-oak (*Allocasuarina decussata*) on slopes in perhumid and humid zones; and
- 245 (Darling Plateau Valleys): Tall open forest of Karri (*Eucalyptus diversicolor*) - Marri (*Corymbia calophylla*) on slopes with some Swan River Blackbutt (*Eucalyptus patens*) and Bullich (*Eucalyptus megacarpa*) on valley floors in hyperhumid and perhumid zones.

An inspection of the application area undertaken by Officers from the Department of Water and Environmental Regulation (DWER) on 2 May 2019 determined the application area contains an over-storey of *Eucalyptus* sp. including Jarrah (*Eucalyptus marginata*) and Marri (*Corymbia calophylla*) over pasture species (DWER 2019a).

Vegetation Condition The inspection undertaken by Officers from DWER determined the vegetation found in the application area is in Degraded (Keighery 1994) condition. This condition ranking is defined as the basic vegetation structure is severely impacted by disturbance (Keighery 1994). Scope for regeneration, but not to a state approaching good condition without intensive management (Keighery 1994).

Soil type The application area is mapped as occurring within the following mapped land systems (Department of Primary Industries and Regional Development 2017).

- Minor Valleys S1 Subsystem (Walpole): Valleys in granitic terrain, narrow swampy floor; <20 m relief. Gravelly yellow duplex soils on smooth flanks; Jarrah (*Eucalyptus marginata*) – Marri (*Corymbia calophylla*) – Karri (*Eucalyptus diversicolor*) forest. Peaty soils on narrow floor; Wattle

- low forest; and
- Collis yellow duplex Phase: Gravelly yellow duplex soils; Jarrah (*Eucalyptus marginata*) - Marri (*Corymbia calophylla*) forest.

Comments

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

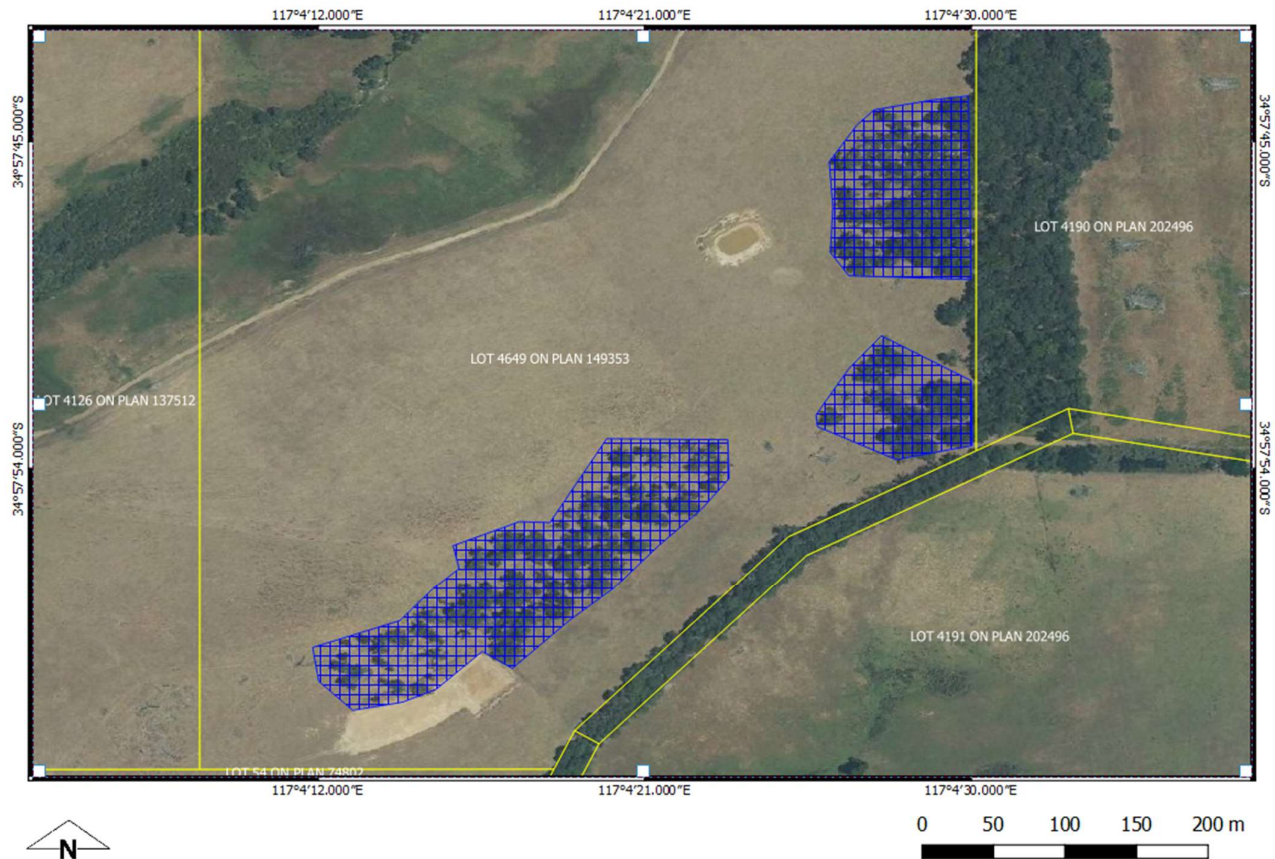


Figure 1: The application area (shown in blue) depicted in comparison to the local lot boundaries (shown in yellow).

3. Assessment of application against clearing principles

A review of available databases determined that 31 flora species of conservation significance have been recorded in the local area comprising two Priority 1 flora species, five Priority 2 flora species, 12 Priority 3 flora species, nine Priority 4 flora species and three threatened flora species. As discussed in Section 2 of this report, the inspection of the application area undertaken by DWER Officers found the vegetation within the application area is in Degraded (Keighery 1994) condition with no discernible native understory layer. Given the condition of the vegetation found within the application area with the understory comprising of pasture species, the application area is not likely to comprise suitable habitat for any flora species of conservation significance.

A review of available databases determined that 30 fauna species of conservation significance have been recorded in the local area (Department of Biodiversity, Conservation and Attractions 2007-). Given the habitats and the condition of the vegetation found in the application area, the application area may comprise suitable habitat for the following fauna species of conservation significance:

- Peregrine Falcon (*Falco peregrinus*) (listed as 'other specially protected fauna' under the *Biodiversity Conservation Act 2016* (BC Act); and
- Forest Red-tailed Black Cockatoo (*Calyptorhynchus banksii* subsp *naso*) (listed as 'Vulnerable' under both the BC Act and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)).

The application area may comprise suitable habitat for the Peregrine Falcon, however this species is not confined to any specific habitat type and utilises habitats as diverse as woodlands, open grasslands and coastal cliffs (Department of the Environment and Energy 2019). The application area likely comprises suitable foraging habitat for the Forest Red-tailed Black Cockatoo (Department of Sustainability, Environment, Water, Population and Communities 2012). The inspection of the application area undertaken by Officers from DWER (2019a) found the application area contains no hollow bearing trees, however the trunks of several trees within the application area contain surficial depressions which could develop into hollows in later decades, if given time to develop. The application area is situated within the Warren Interim Biogeographic Regionalisation of Australia (IBRA) Region which retains over 79 per cent of its pre-European clearing extent and mapped vegetation associations 62 and 245 also retain over 82 and 84 per cent of their pre-European clearing extents, respectively. In addition the local area retains over 50 per cent of its pre European clearing extent, with 31 per cent of the local area represented within the

conservation estate. The majority of the trees proposed to be cleared are not considered to be greater than 50 cm diameter at breast height. When the above is considered, it is likely that habitat of higher quality exists for the abovementioned species in the local area. The application area therefore does not represent significant habitat for these species.

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). Noting the abovementioned remnant vegetation extents, the application area does not represent a remnant of native vegetation within an extensively cleared area.

The proposed clearing has the potential to introduce weed species and dieback into the surrounding vegetation, potentially degrading habitat for flora and fauna species of conservation significance. Weed and dieback management measures should mitigate this impact.

A review of available databases determined that the application area is situated the following distances from the below ecological communities of conservation significance:

- approximately 7 kilometres east north east of the Priority 3 'Subtropical and Temperate Coastal Saltmarsh' priority ecological community (PEC). This community is also listed as a 'Vulnerable' threatened ecological community (TEC) under the EPBC Act;
- approximately 6 kilometres north of the Priority 1 'Coastal *Melaleuca incana* / *Taxandria juniperina* Shrubland / Closed Forest' Priority Ecological Community (PEC); and
- approximately 8 kilometres northwest of the Priority 1 'Southwest Coastal Grassland' PEC.

When consideration is given to the separation distances between the application area and the above TEC and PECs, no impacts to these ecological communities are anticipated to result from the proposed clearing activities. A review of aerial photography of the local area determined the application area does not form part of an ecological linkage linking the above ecological communities of conservation significance to each other, or other areas of remnant vegetation. Therefore the proposed clearing is not likely to impact any ecological linkages promoting species diversity and recruitment within the above ecological communities of conservation significance.

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

The inspection of the application area undertaken by Officers from DWER (2019a) did not identify any land degradation impacts within the application area or its surrounds. The inspection undertaken by Officers from DWER determined the application area is situated within a granite outcrop and land degradation impacts are not anticipated to result from the proposed clearing activities due to the nature of the underlying geology. No impacts to surface or groundwater quality are anticipated to result from the proposed clearing activities.

The local area contains a number of conservation reserves, with the Owingup Nature Reserve the closest conservation reserve to the application area, situated approximately 1.7 kilometres southeast of the application area. Given the separation distances between the application area and conservation reserves, no impacts to any conservation reserve are anticipated to result from the proposed clearing.

Given the above, the proposed clearing is not likely to be at variance to any of the 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 the DWER website on 05 February 2019 with a 21 day submission period. No public submissions have been received in relation to this application.

On 5 March 2019 DWER's South Coast Region advised that the proposed clearing is situated within the Kent River catchment. The Lot the clearing will be undertaken on contains a minor non-perennial waterway which drains to the Kent River, approximately 3 kilometres downstream. The Kent River drains to Owingup Swamp, a wetland of national significance. The Kent River is one of the last refuges for the Western Trout Minnow (*Galaxias truttaceus*) (listed as 'Endangered' under the BC Act and 'Critically Endangered' under the EPBC Act). Loss of riparian habitat, altered hydrology and altered water quality are amongst the threatening processes identified as impacting upon the survival of the Western Trout Minnow (DWER 2019b). As discussed earlier in this report, the application area is situated on a granite outcrop and land degradation impacts, including surface erosion, are not anticipated to result from the proposed clearing.

DWER's South Coast Region advised that the Kent River Catchment is not proclaimed under the *Rights in Water and Irrigation Act 1914* and therefore no licence is required to take water. The application area is not located near the minor waterway on the Lot and therefore a permit to disturb bed and banks is not required. The Lot is located outside of the clearing control catchments demarcated under the *Country Areas Water Supply Act 1947* and there is no additional approvals required for the clearing of native vegetation (DWER 2019b).

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/>. Accessed May 2019.

Department of Primary Industries 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 April 2019.

Department of Sustainability, Environment, Water, Population and Communities (2012) EPBC Act referral guidelines for three threatened Black Cockatoo species: Carnaby's Cockatoo (Endangered) *Calyptorhynchus latirostris*, Baudin's Cockatoo (Vulnerable) *Calyptorhynchus baudinii* and Forest Red-tailed Black Cockatoo (Vulnerable) *Calyptorhynchus banksii naso*. Prepared for the Commonwealth of Australia 2012.

Department of the Environment and Energy (2019) The Peregrine Falcon (*Falco peregrinus*). Available from: <https://www.environment.gov.au/resource/peregrine-falcon-falco-peregrinus>.

Department of Water and Environmental Regulation (2019a) Site Inspection Report: Native Vegetation Regulation, CPS 8292/1. Maintained on DWER's digital achieve system (A1789039).

Department of Water and Environmental Regulation (2019b) South Coast Region advice in relation to CPS 8292/1. Maintained on DWER's digital achieve system (A1769429).

Government of Western Australia (2019a) 2018 Statewide Vegetation Statistics (formerly the CAR Reserve Analysis): Full Report. Remote Sensing and Spatial Analysis Program. Biodiversity and Conservation Science. Department of Biodiversity, Conservation and Attractions (DBCA). Published March 2019.

Government of Western Australia (2019b) 2018 South West Vegetation Complex Statistics Report. Remote Sensing and Spatial Analysis Program. Biodiversity and Conservation Science. Department of Biodiversity, Conservation and Attractions (DBCA). Published March 2019.

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.

Western Australian Herbarium (1998-) FloraBase—the Western Australian Flora. Department of Biodiversity, Conservation and Attractions. <https://florabase.dpaw.wa.gov.au/>.

GIS Databases:

- Aboriginal Sites of Significance
- Department of Biodiversity, Conservation and Attractions, Managed Tenure
- Geomorphic Wetlands Management Category
- Hydrography Linear – Linear
- Hydrography WA 250K – Surface Water Lines
- SAC bio datasets
- South West Forests – Vegetation Complex Mapping
- TPFL March 2018
- WA Herb Data March 2018
- WA TEC PEC Boundaries