



## CLEARING PERMIT

*Granted under section 51E of the Environmental Protection Act 1986*

<b>Purpose Permit number:</b>	CPS 8463/1
<b>Permit Holder:</b>	Shire of Mingenew
<b>Duration of Permit:</b>	From 8 November 2019 to 8 November 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 road upgrades.

**2. Land on which clearing is to be done**

Coalseam Road Reserve (PIN 11401456), Nangetty  
Lot 11275 on Deposited Plan 214238, Nangetty  
Lot 11275 on Deposited Plan 214238, Holmwood

**3. Area of Clearing**

The Permit Holder must not clear more than 0.618 hectares of native vegetation within the area cross-hatched yellow on attached Plan 8463/1a, Plan 8463/1b, Plan 8463/1c, Plan 8463/1d and Plan 8463/1e.

**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

**7. 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.

**8. Vegetation management**

- Where practicable the Permit Holder shall avoid clearing *riparian vegetation*; and
- Where a *watercourse* is to be impacted by clearing, the Permit Holder shall maintain the existing surface flow by use of culverts.

## 9. 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*:

- (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.

## PART III – RECORD KEEPING AND REPORTING

### 10. 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 7 of this Permit; and
  - (v) actions taken in accordance with condition 8 of this Permit; and
  - (vi) actions taken to minimise the risk of the introduction and spread of *dieback* and *weeds* in accordance with condition 9 of this Permit.

### 11. Reporting

The Permit Holder must produce the records required under condition 10 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*

*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;

*riparian vegetation* has the meaning given to it in Regulation 3 of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*;

*watercourse* has the meaning given to it in section 3 of the *Rights in Water and Irrigation Act 1914*;

*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.



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Samara Rogers  
MANAGER  
NATIVE VEGETATION REGULATION

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

14 October 2019



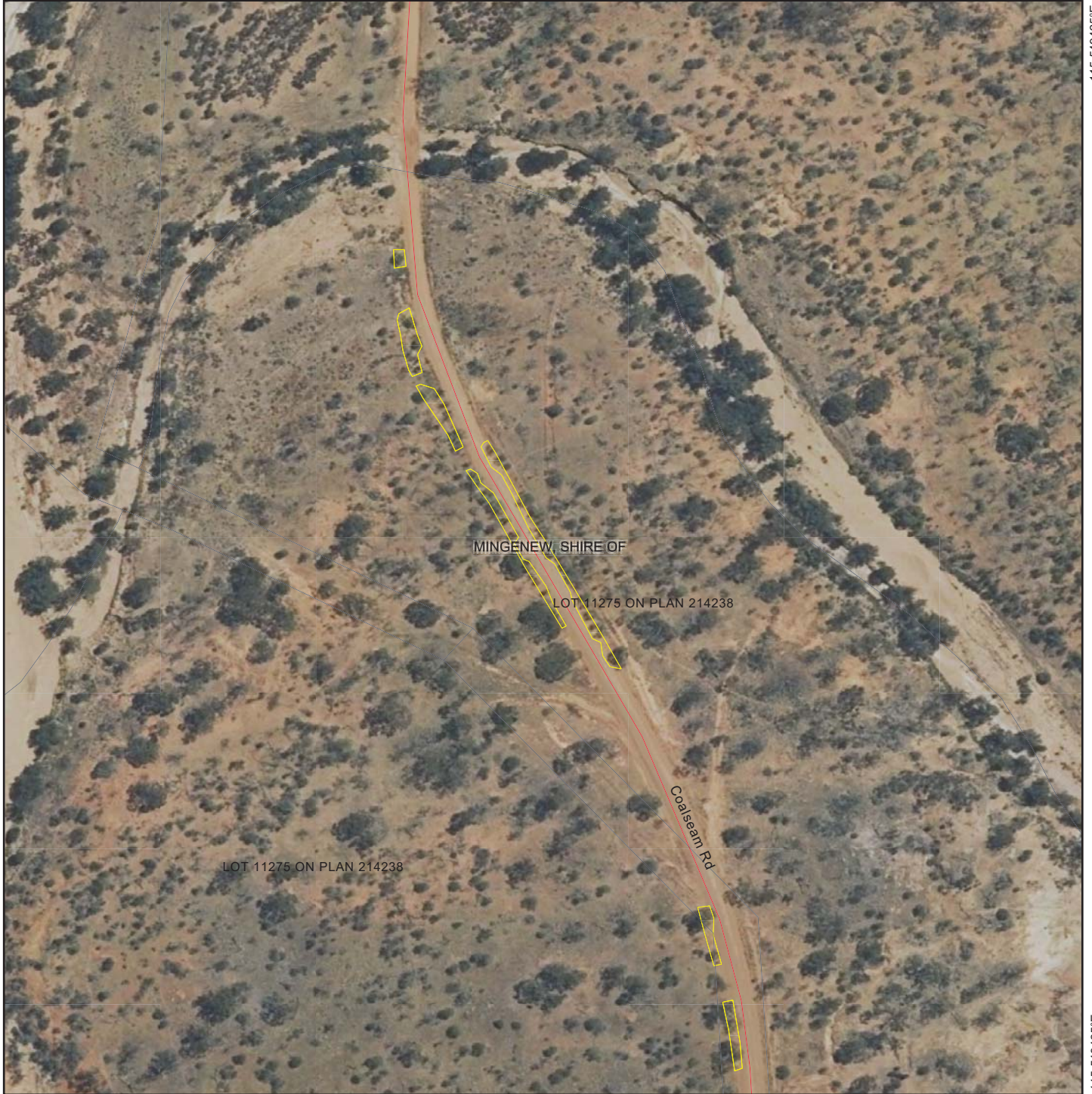
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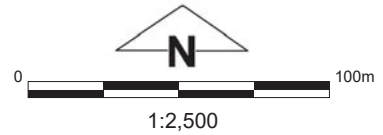
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## Legend

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



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

Geocentric Datum of Australia 1994  
**Samara Rogers**

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



GOVERNMENT OF  
WESTERN AUSTRALIA  
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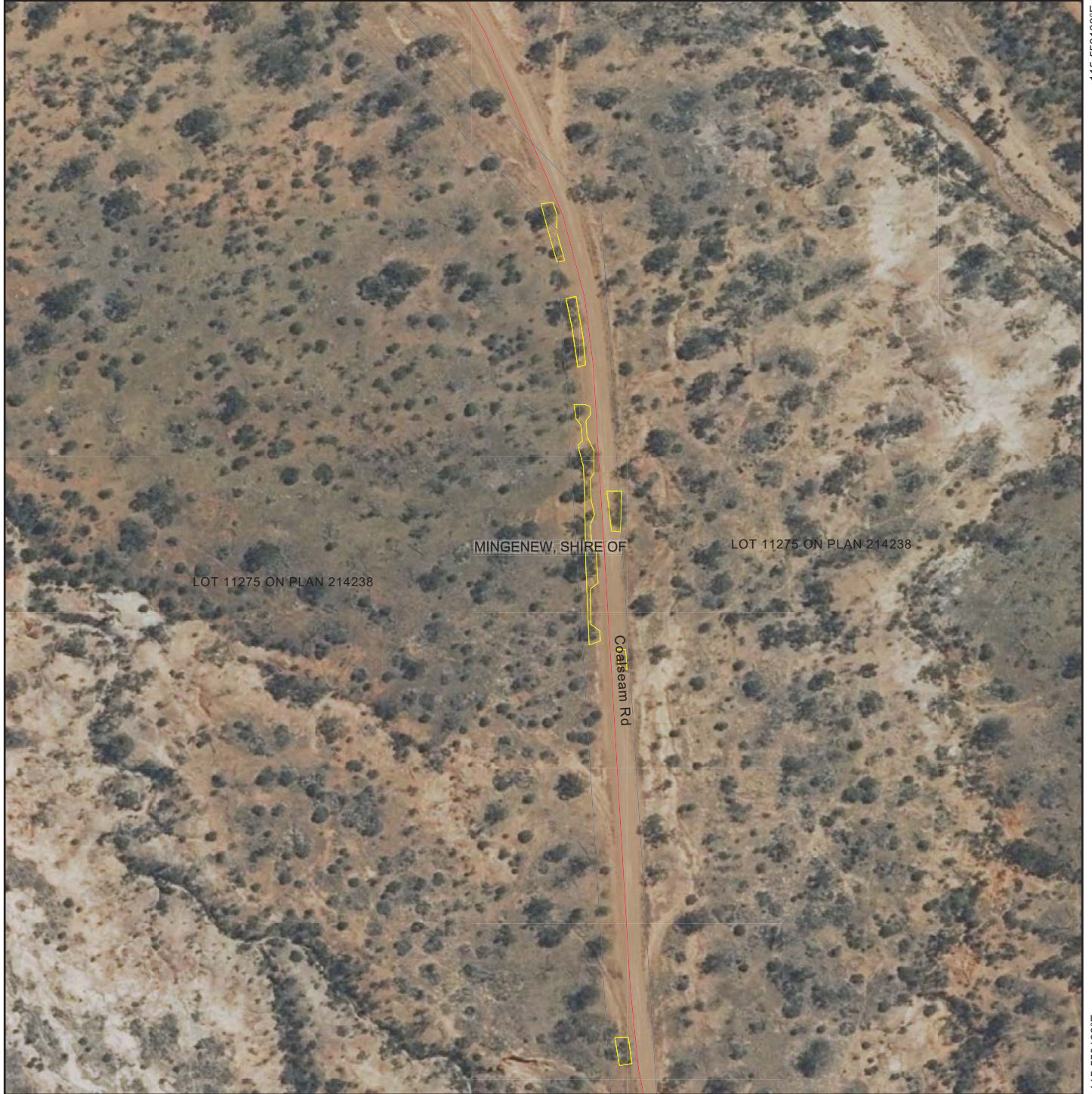
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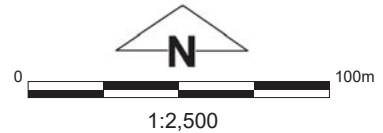
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-  Clearing Instruments Activities
-  Local Government Authority
-  Cadastre



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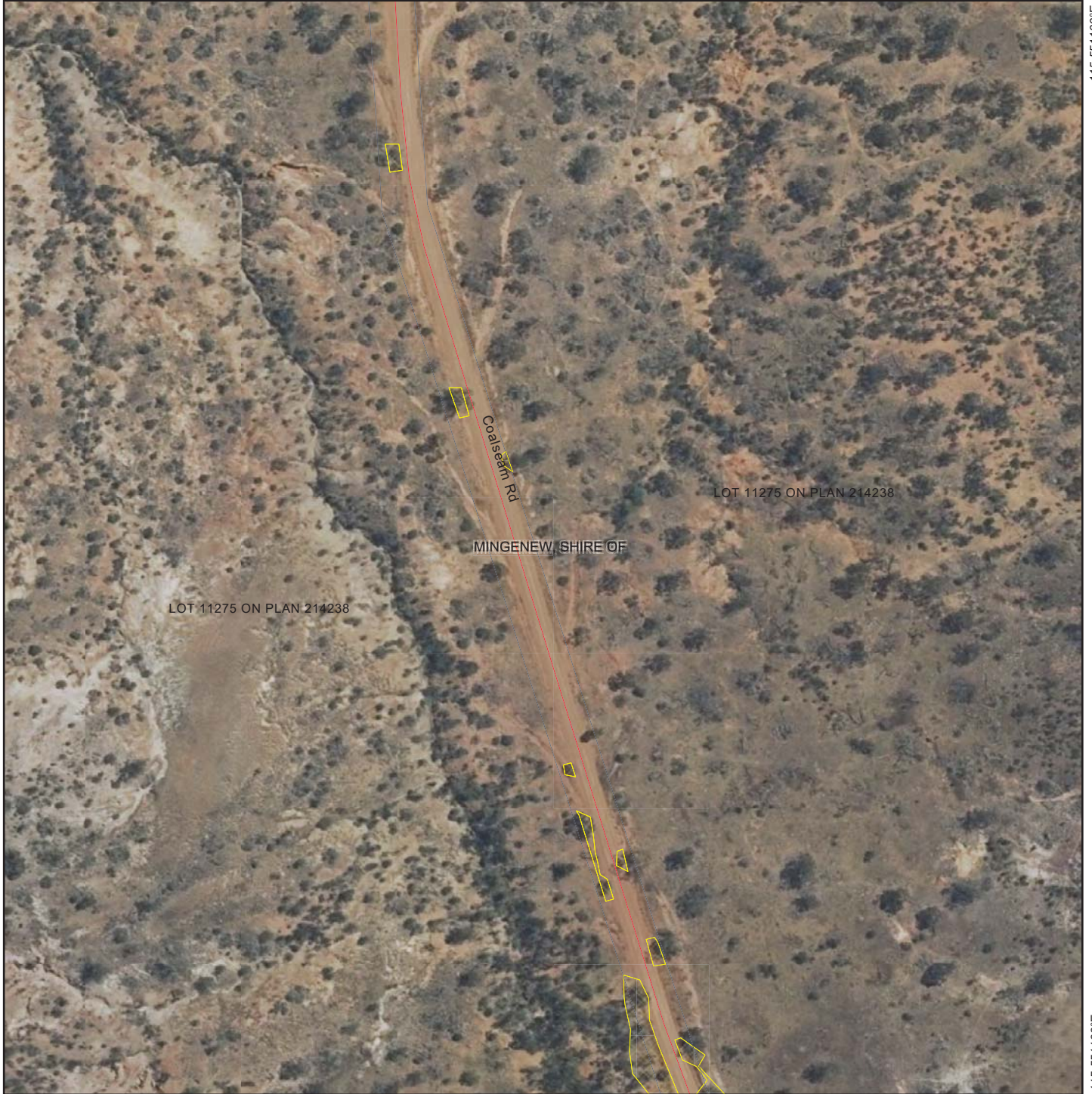
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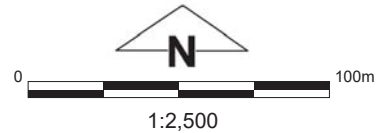
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## Legend

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



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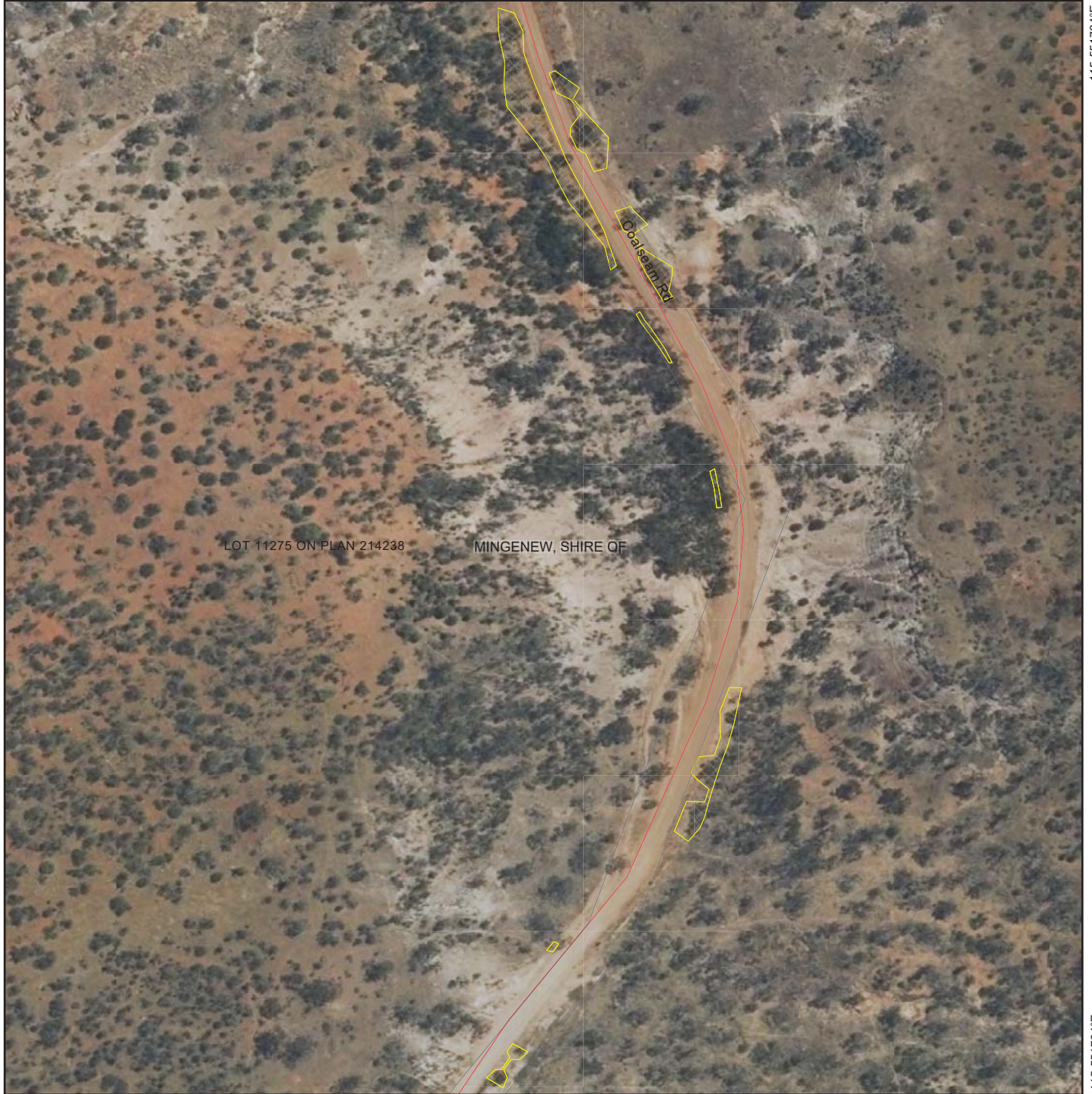
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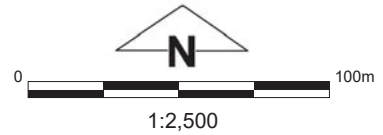
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## Legend

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



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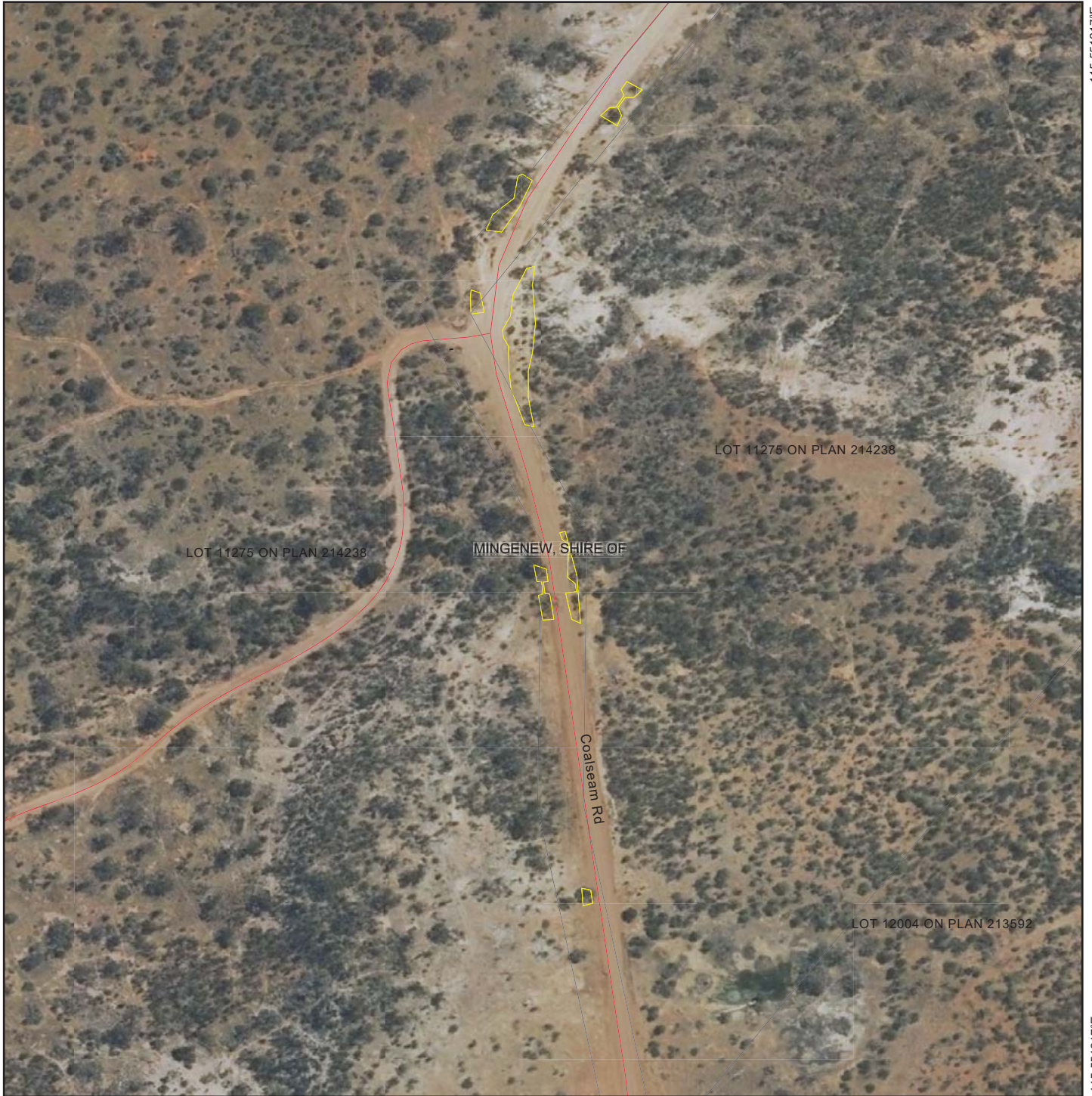
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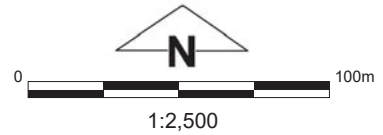
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-  Clearing Instruments Activities
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# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 8463/1  
Permit type: Purpose Permit

### 1.2. Applicant details

Applicant's name: Shire of Mingenew  
Application received date: 15 April 2019

### 1.3. Property details

Property: ROAD RESERVE - 11401456, NANGETTY  
LOT 11275 ON PLAN 214238, NANGETTY  
LOT 11275 ON PLAN 214238, HOLMWOOD  
Local Government Authority: MINGENEW, SHIRE OF  
Localities: NANGETTY and HOLMWOOD

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
0.618		Mechanical Removal	Road construction or upgrades

### 1.5. Decision on application

Decision on Permit Application: Grant

Decision Date: 14 October 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 at variance to principle (f), may be at variance to principle (a), (e), (h) and (i), and is not likely to be at variance to the remaining principles.

Through assessment it was identified that vegetation within the application area was growing in association with a watercourse and/or an environment associated with a water course. The Delegated Officer determined that given the small amount of clearing proposed, the proposed clearing was not likely to significantly impact the environmental values of the watercourses. A vegetation management condition will mitigate any impacts to the watercourse.

Through assessment it was identified that the vegetation within the application area may be a significant remnant in area that has been extensively cleared and the proposed clearing may impact the environmental values of Coalseam Conservation Park. The Delegated Officer notes that the proposed clearing may indirectly impact on the environmental values of adjacent remnant native vegetation and Coalseam Conservation Park through the introduction or spread of weeds and dieback. A condition on the permit to implement weed and dieback management will mitigate the impacts.

In determining to grant a clearing permit, subject to conditions the Delegated Officer notes that the applicant liaised with Department of Biodiversity, Conservation and Attractions (DBCA) while designing the road upgrades to ensure that the clearing impacts were minimised. The Delegated Officer considered that the proposed clearing is not likely to lead to unacceptable risk to the environment.

## 2. Site Information

### Clearing Description

The application is to clear 0.618 hectares of native vegetation within Coalseam Road reserve (PIN 11401456), Nangetty, and Coalseam Conservation Park, Lot 11275 on Plan 214238, Nangetty and Holmwood, for the purpose of upgrading the road (Figure 1).

### Vegetation Description

The vegetation cleared is mapped as Beard vegetation associations:

- 354; shrublands; jam and *Acacia rostellifera* and hakea scrub with scattered York gum; and
- 380; shrublands; scrub-heath on sandplain (Shepherd et al., 2001).

### Vegetation Condition

Very Good; Vegetation structure altered; obvious signs of disturbance

To

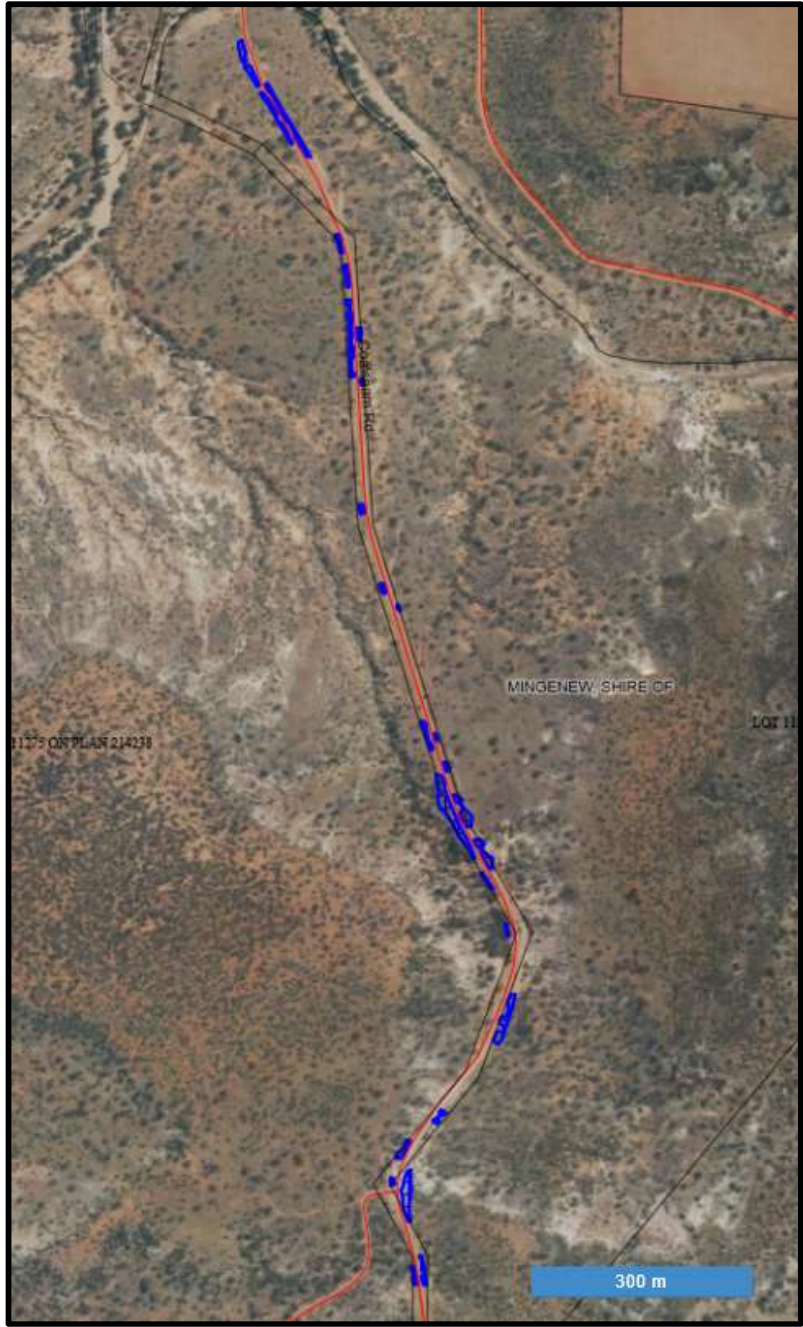


Degraded; Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994).

**Soil type**

The application area transverses two soil types, being:

- Coalseam System; red-brown hardpan shallow loams, stony soils and loamy earths; and
- Dartmoor Subsystem 5: wet and semi-wet soils with pale sandy earths and pale deep sands (Department of Primary Industries and Regional Development, 2017).



**Figure 1:** Aerial imagery of the application area, highlighted in blue

### **3. Minimisation and mitigation measures**

The upgrade of the road and associated drainage was designed with the need to minimise clearing and was undertaken in consultation with the Department of Biodiversity and Attraction's (DBCA) Geraldton office (Shire of Mingenew, 2019).



#### 4. Assessment of application against clearing principles

##### (a) Native vegetation should not be cleared if it comprises a high level of biodiversity.

###### Proposed clearing may be at variance to this principle

The application is for the proposed clearing of 0.618 hectares of native vegetation within Coalseam Road reserve, (PIN 11401456), Nangetty, and Coalseam Conservation Park, Lot 11275 on Plan 214238, Nangetty and Holmwood, is for the purpose of upgrading the road.

Two threatened flora and five priority flora have been recorded within ten kilometres of the application area. Of these conservation flora, DBCA (2019a) advise *Eucalyptus arachnaea* subsp. *arrecta* (priority 3) has been recorded within one kilometre of the application area and is growing in association with York gums. DBCA (2019a) advise that that 'the mallet form [of this species] is only known from west of Morawa, in relatively high, stony, hilly country where it forms small pure stands emergent from the more dominant lower mallee scrub of the area'. A subsequent site inspection undertaken by DBCA (2019b) noted that no priority 3 eucalypt was observed within the application area and that 'the habitat along the road is completely different to where it [*Eucalyptus arachnaea* subsp. *arrecta*] is growing in the [Coalseam] Conservation Park'. Further, DBCA advised that the proposed clearing appears to pose minimal risk to threatened and conservation significant species and the level of clearing (0.618 hectares) is unlikely to affect the local and/or regional extent of the population. Given the above, the application area is not likely to comprise significant habitat to support conservation significant flora species recorded in the local area.

The vegetation in the application area may represent the Commonwealth listed threatened ecological community (TEC) 'Eucalypt Woodlands of Western Australian Wheatbelt' (WA Wheatbelt Woodlands), which is listed as a state listed Priority 3(iii) priority ecological community. The WA Wheatbelt Woodlands was listed as a critically endangered TEC under the EPBC Act on 4 December 2015. The WA Wheatbelt Woodlands TEC is dominated by a complex mosaic of eucalypt species with a tree or mallet form over an understorey that is highly variable in structure and composition. DBCA (2019a) advises that this 'community is under threat from altered hydrology, grazing, altered fire regimes, vegetation clearing, exotic species, soil cultivation and fertilization'.

DBCA (2019a) notes that 'the occurrence of the [TEC] community being on the roadside it is possible that parts of the occurrence may be degraded, including the presence weeds, and particularly narrow and fragmented, potentially reducing the condition of the community'. DBCA (2019a) advises that 'notwithstanding the possibility that the community's condition along the roadside may be degraded, it is recommended that clearing of this community is minimised as much possible, given that the remaining remnants are significant in a surrounding landscape that is highly cleared'.

Noting that the Shire of Mingenew has worked in consultation with the DBCA's Geraldton office to minimise clearing with this application (Shire of Mingenew, 2019), the clearing of 0.618 hectares required to upgrade the road is not likely to significantly impact this TEC. The proposed clearing may, however, indirectly impact the adjoining TEC through weed invasion by increased edge effects. A weed and dieback condition has been placed on the permit to minimise this potential impact.

As discussed under Principle (b), the application area provides suitable habitat for peregrine falcon (*Falcon peregrinus*), however, the proposed clearing is unlikely to impact on this species.

Given the vegetation within the application area may comprise a portion of a TEC, the proposed clearing may be at variance to this principle.

##### (b) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna.

###### Proposed clearing is not likely to be at variance to this principle

One fauna species, peregrine falcon (*Falcon peregrinus*), listed as specially protected fauna under the *Biodiversity Conservation Act 2016*, has been recorded within the local area (10 kilometre radius) (DBCA, 2007-). Although this species may utilise the application area as foraging and/or breeding habitat, the peregrine falcon is a highly mobile avian species which occupy large home ranges, and therefore the proposed clearing is unlikely to impact on this species.

Considering the above, the proposed clearing is not likely to be at variance to this principle.

##### (c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, threatened flora.

###### Proposed clearing is not likely to be at variance to this principle

According to available datasets there are two species of threatened flora mapped within the local area. The closest of these, *Schoenia filifolia* subsp. *subulifolia*, has been recorded approximately 8.5 kilometres from the application area. This species is an annual herb (daisy) that grows to 0.5 metres in clay on swampy flats, the tops of breakaway and crab holes (Western Australian Herbarium, 1998- ). Associated species include *Hakea preissii*, *Eucalyptus loxophleba* and *Acacia acuminata* (Department of Environment and Conservation, 2011). Noting this, the application area is unlikely to provide suitable habitat for this species.

The second threatened flora species, *Wurmbea tubulosa*, has been recorded 9.7 kilometres from the application area. This species is a cormous perennial herb that grows between 0.01 to 0.03 metres high (Western Australian Herbarium, 1998- ). This flora species grows in clay and sandy clay, clay loam or brown loam under shrubs on riverbanks, along drainage lines and in seasonally wet places in woodlands of *Eucalyptus loxophleba* with an open shrub layer including acacia and hakea species (Department of Environment and Conservation, 2005). As this species is severely affected by exposure to influences from adjacent cleared land and degraded landscapes (Department of Environment and Conservation, 2005), the application area is not likely to provide suitable habitat for this species.

Given the above, the application area is not likely to include, or be necessary for the continued existence of threatened flora, and the proposed clearing is not likely to be at variance to this principle.

**(d) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of a threatened ecological community.**

**Proposed clearing is not likely to be at variance to this principle**

There are no TEC's listed under the Biodiversity Conservation Act 2016 mapped within the local area. Given the vegetation types present with the application area, the vegetation is not likely to comprise a TEC.

The proposed clearing is not likely to be at variance to this principle.

**(e) Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared.**

**Proposed clearing may be at variance to this principle**

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).

As indicated in Table 1, the application area is located within the Avon Wheatbelt Interim Biogeographic Regionalisation of Australia (IBRA) bioregion which retain approximately 18.5 per cent of its pre-European vegetation extent (Government of Western Australia, 2019). The local area (10 kilometre radius) retains approximately 25 per cent native vegetation cover. Therefore the application area is located within an area that has been extensively cleared.

Noting that the application area may comprise the WA Wheatbelt Woodlands (discussed in principle (a)) the application area is surrounded by the Coalseam Conservation Park which comprises of similar vegetation in a better condition. Therefore the vegetation within the application area is not likely to be a significant remnant of native vegetation. Noting both vegetation types are less than 30 per cent and the application area is located within an extensively cleared landscape the proposed clearing may be at variance to this principle. Noting that the Shire of Mingenew has worked in consultation with the DBCA's Geraldton office to minimise clearing (Shire of Mingenew, 2019), the clearing of 0.618 hectares required to upgrade the road is unlikely to significantly impact a significant remnant in an area that has been extensively cleared..

**Table 1: Vegetation extents**

	Pre-European (ha)	Current Extent (ha)	Remaining (%)	Current Extent in DBCA Managed Lands (%)
<b>IBRA Bioregion*</b>				
Avon Wheatbelt	1,501,222	9,517,110	18.5	9.93
<b>Beard vegetation association in Bioregion</b>				
354	91,254	10,407	11.4	8.60
380	23,170	3,445	14.9	7.63

**(f) Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.**

**Proposed clearing is at variance to this principle**

The Irwin River is 150 meters west of the application area. A minor non-perennial watercourse, being a tributary to the Irwin River, runs along the western edge of the application area for 500 metres, at a distance of between 70 to 20 metres.

Given the above the proposed clearing is likely to include vegetation growing in association with a watercourse or in an environment associated with a watercourse. Therefore the proposed clearing is at variance to this principle.

Noting the small size of riparian vegetation proposed to be cleared and the existing culverts in place, the proposed clearing is not likely to have a significant impact on these watercourses. In addition, a vegetation management condition will mitigate impacts to riparian vegetation.

**(g) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.**

**Proposed clearing is not likely to be at variance to this principle**

The application area includes two mapped soil types (Department of Primary Industries and Regional Development, 2017), being:

- Coalseam System; red-brown hardpan shallow loams, stony soils and loamy earths; and
- Dartmoor Subsystem 5: wet and semi-wet soils with pale sandy earths and pale deep sands.

Risk categories	Coalseam Subsystem)	Dartmoor Subsystem
Wind erosion	10-30% of map unit has a high to extreme wind erosion risk	30-50% of map unit has a high to extreme wind erosion risk
Water erosion	10-30% of map unit has a high to extreme water erosion risk	3-10% of map unit has a high to extreme water erosion risk

Salinity	<3% of map unit has a moderate to high salinity risk or is presently saline	3-10% of map unit has a moderate to high salinity risk or is presently saline
Subsurface Acidification	>70% of map unit has a high subsurface acidification risk or is presently acid	>70% of map unit has a high subsurface acidification risk or is presently acid
Flood risk	<3% of the map unit has a moderate to high flood risk	<3% of the map unit has a moderate to high flood risk
Water logging	<3% of map unit has a moderate to very high waterlogging risk	<3% of map unit has a moderate to very high waterlogging risk
Phosphorus export risk	<3% of map unit has a high to extreme phosphorus export risk	30-50% of map unit has a high to extreme phosphorus export risk

Given the long linear nature of the application area, with 0.618 hectares of clearing proposed over a length of approximately 2 kilometres, the proposed clearing is not likely to cause appreciable land degradation in the form of wind or water erosion or eutrophication.

It is noted that there is a high risk of subsurface acidification, which is a consequence of surrounding agricultural production and the proposed clearing is not likely to cause further degradation.

The proposed clearing is not likely to be at variance to this principle.

**(h) Native vegetation should not be cleared if the clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation area.**

**Proposed clearing is may be at variance to this principle**

The proposed clearing is to allow minor realignments of the Coalseam Road reserve. The Road reserve cuts through Coalseam Conservation Park and just less than half of the application area (0.292 hectares) extends into the park. Given vegetation within the application is within the Coalseam Conservation Park, the proposed clearing may impact the environmental values through the loss of vegetation and the potential introduction and/or spread of weeds.

DBCA (2019c) have given the Shire of Mingenew approval to access park and undertake the clearing provided that the Shire develop and implement an environmental management plan that has been approved by DBCA. The management plan is to ensure that there is minimal disturbance to native vegetation and to address hygiene, weeds and other impacts identified during planning and liaison with DBCA.

Noting the Shire of Mingenew have worked in consultation with the DBCA's Geraldton office to minimise clearing impacts (Shire of Mingenew, 2019), the clearing of 0.618 hectares required to upgrade the road is not likely to significantly impact the conservation area. A weed and dieback condition has been placed on the permit to minimise potential impacts to the Conservation Park and to surrounding remnant vegetation.

Given the above, the proposed clearing may be at variance to this principle.

**(i) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause deterioration in the quality of surface or underground water.**

**Proposed clearing may be at variance to this principle**

Groundwater salinity mapped within the application is 7000-14000 milligrams per litre (measured as total dissolved solids). Although these ground water levels are considered saline, the proposed clearing of 0.618 hectares of native vegetation over a distance of approximately 2 kilometres is not likely to increase groundwater salinity levels or cause deterioration in the quality of underground water.

The Irwin River is 150 meters west of the application area. A minor non-perennial watercourse, being a tributary to the Irwin River, runs along the western edge of the application area for 500 metres, at a distance of between 70 to 20 metres. The proposed clearing may cause short-term sedimentation of surface water of this watercourse, however, given the small size of the clearing (0.618 hectares), this impact is considered to be minimal.

Given the above the proposed clearing may be at variance to this principle.

**(j) Native vegetation should not be cleared if clearing the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.**

**Proposed clearing is not likely to be at variance to this principle**

The proposed clearing of 0.618 hectare of native vegetation over a linear distance of approximately 2 kilometres is not likely to cause, or exacerbate, the incidence or intensity of flooding.

Given the above, the proposed clearing is not likely to be at variance to this principle.

**Planning instruments and other relevant matters.**

Coalseam Road requires minor realignment to meet the requirements for a sealed road (Shire of Mingenew, 2019). Less than half of the proposed clearing is required outside the road reserve into the Coalseam Conservation Park. To minimise the clearing's impacts the Shire has designed the upgrades in consultation with DBCA (Shire of Mingenew, 2019).



The proposed clearing is 150 metres from the Irwin River. The river and areas surrounding it, is an Aboriginal Site of Significance. It is the applicant's responsibility to ensure compliance with any obligations under the *Aboriginal Heritage Act 1972*.

There is one native title claim over the application area by the Southern Yamatji people. A submission on behalf of the claimants suggests that the proposed clearing may be a future act under the *Native Title Act 1993*. The submission informs that the 'Native Title Party will require a negotiated agreement with the Proponent setting out the manner in which the Proponent may access and use the land' (Yamatji Marlpa Aboriginal Cooperation, 2019). To minimise the impacts on native title rights and interests, and to resolve heritage issues, the applicant has reached an agreed approach to the proposed clearing with the Southern Yamatji people (Greenfields Technical Services, 2019).

The clearing permit application was advertised on the DWER website on 4 June 2019 with a 14 day submission period. No public submissions were received.

## 5. References

- Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra Department of Biodiversity, Conservation and Attractions (DBCA) (2019a) Advice for clearing permit application CPS 8463/1 (DWER Ref: A1812387).
- Department of Biodiversity, Conservation and Attractions (DBCA) (2019b) Site inspection for clearing permit application CPS 8463/1 (DWER Ref: A1820122).
- Department of Biodiversity, Conservation and Attractions (DBCA) (2019c) Approval to access land and clear native vegetation in Coalseam Conservation Park (DWER Ref: A1781490)
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