



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 8480/1
Permit Holder:	Alec Learner
Duration of Permit:	7 September 2019 to 7 September 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 collecting firewood.
- 2. Land on which clearing is to be done**
Lot 200 on Deposited Plan 62198, Bakers Hill
- 3. Area of Clearing**
The Permit Holder shall not clear more than 2.5 hectares of native vegetation within the area cross-hatched yellow on attached Plan 8480/1.
- 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**
The Permit Holder can only clear dead native trees within the area of clearing.
- 6. 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

- 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:
 - (a) avoid the clearing of native vegetation;
 - (b) minimise the amount of native vegetation to be cleared; and
 - (c) reduce the impact of clearing on any environmental value.

8. Dieback and weed control

When undertaking any clearing 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*:

- (a) clean all vehicles 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.

9. Fauna management – tree size

The Permit Holder shall not clear *black cockatoo habitat trees* found within the area cross-hatched yellow on attached Plan 8480/1.

10. Fauna management – pre-clearing inspections

- (a) In relation to the area shaded yellow on attached Plan 8480/1, the Permit Holder must inspect each tree to be removed immediately prior to, and for the duration of, clearing for the presence of *black cockatoo* species.
- (b) Where a *black cockatoo* individual(s) referred to in condition 10(a) is identified in a tree to be removed, clearing activities must not be undertaken until the *black cockatoo* has moved on from that tree to adjoining vegetation.

PART III - RECORD KEEPING AND REPORTING

10. Records must be kept

The Permit Holder must maintain the following records for activities done in 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) evidence, such as photographic evidence, that a tree to be cleared is dead;
 - (iii) evidence, such as photographic evidence, to show that no *black cockatoo habitat trees* have been cleared;
 - (iv) the date that the clearing occurred; and
 - (v) the number of trees cleared.
- (b) Actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 7 of the Permit;
- (c) Actions taken to minimise the risk of the introduction and spread of *weeds* and *dieback* in accordance with condition 8 of the Permit;

11. Reporting

- (a) The Permit Holder must provide to the *CEO* on or before 30 June of each year, a written report:
 - (i) of records required under condition 10 of this Permit; and
 - (ii) concerning activities done by the Permit Holder under this Permit between 1 January to 31 December of the preceding calendar year.
- (b) If no clearing authorised under this Permit was undertaken between 1 January to 31 December of the preceding calendar year, a written report confirming that no clearing under this permit has been carried out, must be provided to the *CEO* on or before 30 June of each year.
- (c) Prior to 6 June 2024, the Permit Holder must provide to the *CEO* a written report of records required under condition 10 of this Permit where these records have not already been provided under condition 11(a) of this Permit.

DEFINITIONS

The following meanings are given to terms used in this Permit:

black cockatoo species include Forest Red-tailed Black Cockatoo (*Calyptorhynchus banksii* subsp. *naso*), Baudin's Cockatoo (*Calyptorhynchus baudinii*) and Carnaby's Cockatoo (*Calyptorhynchus latirostris*);

black cockatoo habitat trees means trees that have a diameter, measured at 1.5 metres from the base of the tree, of 500 millimetres or greater;

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; and

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.



Mathew Gannaway
MANAGER
NATIVE VEGETATION REGULATION

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

8 August 2019



1. Application details

1.1. Permit application details

Permit application No.: 8480/1
Permit type: Purpose Permit

1.2. Proponent details

Applicant's name: Alec Learner
Application received date: 1 May 2019

1.3. Property details

Property: Lot 200 on Deposited Plan 62189
Local Government Authority: Shire of Northam
Localities: Baker's Hill

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
2.5		Manual Removal	Collecting firewood

1.5. Decision on application

Decision on Permit Application: Granted
Decision Date: 8 August 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 may be at variance to Principle (b) and is not likely to be at variance to the remaining clearing principles.

The Delegated Officer determined that while the collection of firewood is considered to be a low-impact clearing activity, the proposed clearing may impact fauna habitat for threatened and priority fauna species, particularly for black cockatoos. Fauna management conditions have been placed on the permit to mitigate impacts from the proposed clearing activities.

Through the assessment, it was determined that the application area may increase the risk of weeds and dieback. A weed and dieback management condition has been placed on the clearing permit to minimise the risk of weeds and dieback spreading.

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 not likely to lead to any unacceptable risk to the environment.

2. Site Information

Clearing Description The application is for the proposed clearing of 2.5 hectares within a 290 hectare footprint within Lot 200 on Deposited Plan 621189, Bakers Hill, to collect firewood (Figure 1).

Vegetation Description Three vegetation complexes are mapped within the application area, defined as (Heddl et al., 1980):

- Cooke (Ce, 48): Mosaic of open forest of *Eucalyptus marginata* subsp. *marginata*-*Corymbia calophylla* (subhumid zone) and open forest of *Eucalyptus marginata* subsp. *thalassica*-*Corymbia calophylla* (semiarid and arid zones) and on deeper soils adjacent to outcrops, closed heath of Myrtaceae-Proteaceae species and lithic complex on granite rocks and associated soils in all climate zones, with some *Eucalyptus laeliae* (semiarid), and *Allocasuarina huegeliana* and *Eucalyptus wandoo* (mainly semiarid to perarid zones).
- Pindalup (Pn, 224): Open forest of *Eucalyptus marginata* subsp. *thalassica*-*Corymbia calophylla* on slopes and open woodland of *Eucalyptus wandoo* with some *Eucalyptus patens* on the lower slopes in semiarid and arid zones.
- Yalanbee (Y6, 312): Woodland of *Eucalyptus wandoo*-*Eucalyptus accedens*, less consistently open forest of *Eucalyptus marginata* subsp. *thalassica*-*Corymbia calophylla* on lateritic uplands and breakaway landscapes in arid and perarid zones.

Vegetation Condition

The condition of the vegetation within the application area ranges from good to excellent (Keighery, 1994) condition, defined as:

- Good: Vegetation structure significantly altered by very obvious signs of multiple disturbance. Retains basic vegetation structure or ability to regenerate it; to
- Excellent: Vegetation structure intact, disturbance affecting individual species and weeds are non-aggressive species.

Soil/Landform Type:

Three soil types are mapped within the application area, defined as (Schoknecht et al., 2004):

- Leaver Subsystem: Gravelly slopes and ridges of the western Darling Plateau. Gravelly yellow and red duplexes, gravelly deep clayey sands and sandy loams over laterite and clay.
- Yalanbee Subsystem: Undulating, Darling Range upland. Pisolitic gravelly, yellowish brown soils that vary from loamy sands to clays, with pockets of pale sands and rock.
- Boyagin, Steep Rocky Hills 1 Subsystem: Areas of rock outcrop and steep rocky hills.

Comment

The vegetation condition was determined from aerial imagery and information obtained from the Shire of Northam (2019).

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 35 per cent native vegetation cover.

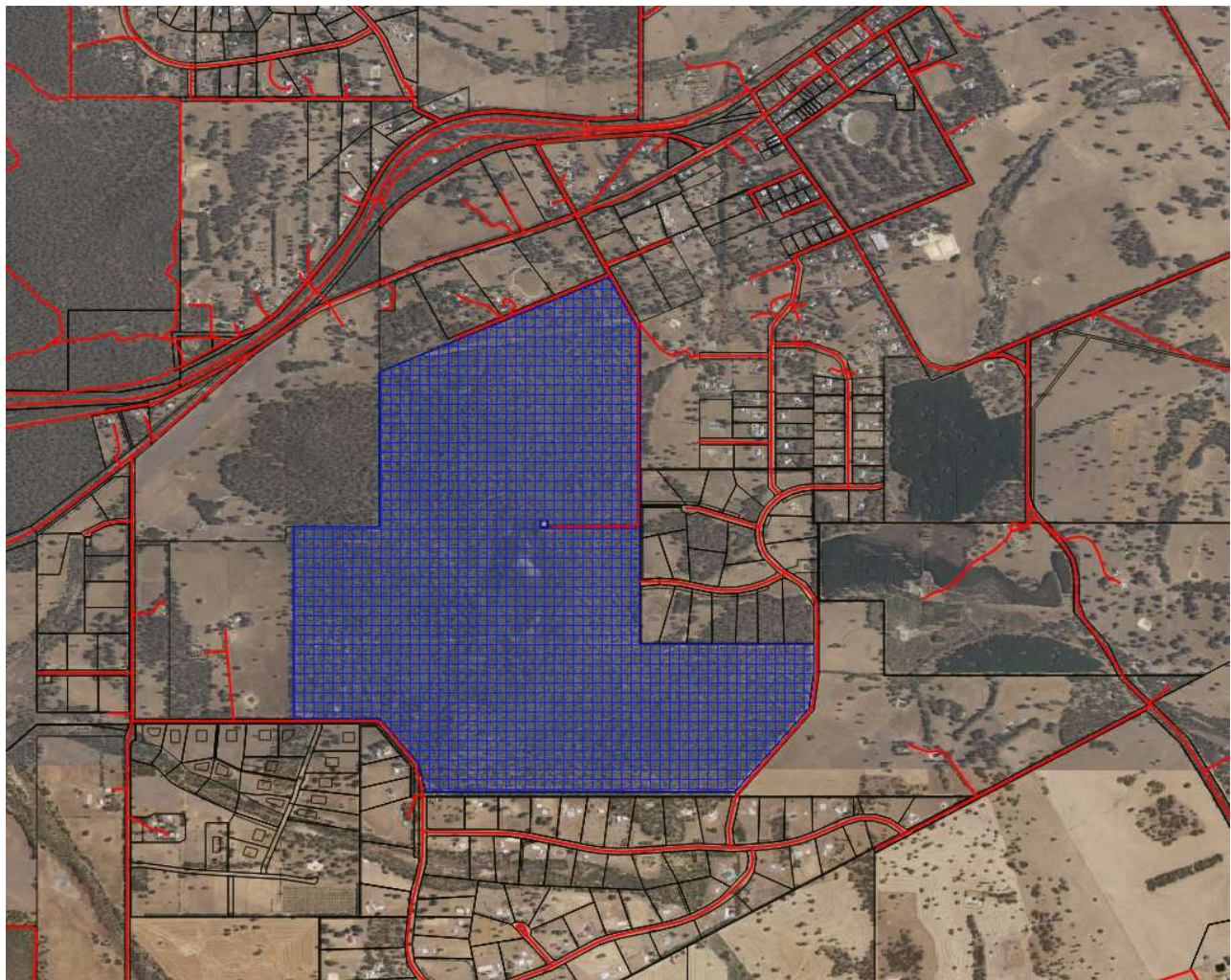


Figure 1: Application area in blue

3. Minimisation and mitigation measures

The applicant has advised that (Learner, 2019):

- they will only fell trees that are dead and will leave some dead trees for the local fauna species;
- they will clear up to 2.5 hectares of dead trees over the term of the permit, most of these would be saplings with the occasional larger tree;
- they will use a gauge/calliper to measure the diameter of the dead tree to be removed to ensure the tree is less than 500 mm at 1.5 meters from the base of the tree;
- they will collect fallen limbs and prune branches;
- the timber/fire wood is for their own private use at their house and they do not intend to collect for commercial use;
- the method of accessing the site will be using their car with a trailer and using a trolley or wheelbarrow to transport wood to the trailer;
- they will make use of the existing tracks on the property and existing cleared areas only, with any wood retrieved within reasonable walking distance to their car;
- the only tool to be used is a chainsaw;
- they will be assisting the landowner by removing any dead trees on the fire break;
- they will not remove any hollowed logs that are on the ground that may be housing small animals/insects; and
- they will inspect a tree to be felled to ensure no nests or animals will be living within these trees.

4. Assessment of application against clearing principles

The application is for the proposed clearing of 2.5 hectares within a 290 hectare footprint within Lot 200 on Deposited Plan 621189, Bakers Hill, to collect firewood.

According to available databases, eight Threatened fauna species, one species protected under international agreements and two priority fauna have been recorded within the local area (DBCA, 2007-). Based on the proximity of the application area to the known records in the local area, all three black cockatoo species (Forest Red-tailed Black Cockatoo [*Calyptorhynchus banksii* subsp. *naso*], Baudin's Cockatoo [*Calyptorhynchus baudinii*] and Carnaby's Cockatoo [*Calyptorhynchus latirostris*]) are considered to utilise the site. According to available datasets, habitat for black cockatoos is present within the application area. The application is within a known black cockatoo breeding range and is adjacent to known roost sites. The application area also contains flora species known to be used by black cockatoos for foraging. Chuditch (*Dasyurus geoffroii*) have been observed near the application area and if present, hollow logs are an important den resource (DEC 2012). The Delegated Officer notes the applicant will not remove any hollowed logs that are on the ground that may be housing small animals. Other Threatened or priority fauna recorded within the local area are not expected to occur.

As the application area is likely to contain foraging and breeding habitat for black cockatoos, the proposed clearing may be at variance to Principle (b). The Delegated Officer notes that the majority of the trees to be felled are dead saplings and the proposed purpose and manner of clearing is low-impact compared to other clearing methods. Any tree which has a diameter of 500 millimetres or over at 1.5 meters from the base of the tree is considered a potential black cockatoo habitat tree and should not be removed even if it is dead. Hollows can form in dead trees and provide habitat for breeding black cockatoos. Visual inspections for black cockatoo species are to be undertaken during clearing activities to allow any individuals the opportunity to leave the tree being cleared.

According to available databases, one Threatened flora species and 21 Priority flora species have been recorded within the local area, with no known occurrences within the application area. The closest recorded species is the *Thysanotus cymosus* (P3) approximately 700 meters to the north of the application area. It is possible that the application area contains Threatened and priority flora that have not been identified considering the size of the application area and that it is relatively intact. As the proposed purpose and manner of clearing is low-impact compared to other clearing methods, impacts to Threatened and priority flora on a local scale are not considered likely to occur.

According to available datasets, the application area does not contain any threatened ecological communities (TECs) or priority ecological communities (PECs) and is not within or adjacent to any DBCA conservation areas. According to available datasets, the application area does not contain any riparian vegetation or wetland areas. Based on the mapped land degradation risk, the application area has a relatively low likelihood of wind and water erosion, salinity, subsurface acidification, flooding and water logging.

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 local area retains approximately 35 per cent of its pre-European clearing extent and the vegetation complexes retain from 46 to 82 per cent of their pre-European extent (Government of Western Australia, 2019). Given the percentage of vegetation complexes remaining and the low-impact clearing proposed, the proposed clearing is not likely to be considered a significant remnant.

The proposed clearing may increase the risk of weeds and dieback being introduced into areas of adjacent vegetation. Weed and dieback management will assist in mitigating this risk.

Given the above, the proposed clearing may be at variance to Principle (b) and is not likely to be at variance to the remaining clearing principles. Fauna management measures will assist in mitigating impacts to fauna.

Planning instruments and other relevant matters.

An exemption under the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* exists for the collection of firewood; Regulation 5, Item 5. As the applicant is not the landholder or the lessee of the application area, the exemption does not apply in this case. However, the principles in this exemption are relevant to the decision to grant the clearing permit. The exemption states that vegetation cannot be sold but may be given away, and advice should be obtained from the Department of Biodiversity, Conservation and Attractions (DBCA) Parks and Wildlife Service on what "sell" means, as it may include such things as raffling or bartering. The exemption also states that firewood must first be collected from clearing undertaken for another purpose, and if no such cleared vegetation exists, it may either be of dead vegetation, or if from live trees such that it does not kill the tree or prevent its regrowth. This would allow taking of branches or of resprouting species such as mallees. The applicant has stated that the firewood to be collected is to be used for personal use only and has advised that they will be collecting from clearing undertaken for another purpose by assisting the landowner with managing the firebreaks on the Lot. The applicant has stated that they will only take dead trees, prune some branches and would not sever trunks of living trees. The Delegated Officer considers this to be a low impact method of clearing and unlikely to have an impact on the biodiversity of the area.

The clearing permit application was advertised on the Department of Water and Environmental Regulation (DWER) website on 28 May 2019 for a 14 day submission period ending on 11 June 2019. No public submissions were received in relation to this application.

On 7 September 2018, an incident report was made to the DWER regarding potential unauthorised clearing within the application area by the applicant. The Incident report (DWER, 2018) states that a "person had permission from the owner to enter the property for the purposes of collecting firewood, however the clearing undertaken was not authorised by an exemption or clearing permit and was therefore in breach of section 51C of the *Environmental Protection Act 1986* – Unauthorised Clearing of Native Vegetation. Under the circumstances, the person has received a formal warning in relation to his action and provided with information regarding native vegetation clearing legislation for future reference."

The Shire of Northam advised that a Development Approval was not required for the clearing. However the Shire of Northam expressed concerns regarding the clearing, specifically that the permit could impact on the ecological values of the remnant vegetation and potentially degrade the quality and amenity of the remnant vegetation (Shire of Northam, 2019). The Shire of Northam has queried the types of restrictions that will be imposed on the permit such as whether the elements of Regulation 5, Item 5 exemption will be adhered to, whether taking of mature trees with hollows will not be permitted and whether there is a requirement for reporting. These and other concerns from the Shire have been considered in the assessment and incorporated into the assessment and conditions on the permit where practical.

No Aboriginal Sites of Significance are present within the application area.

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/>.
- Department of Environment and Conservation (DEC) (2012). Chuditch (*Dasyurus geoffroii*) Recovery Plan. Wildlife Management Program No. 54. Department of Environment and Conservation, Perth, Western Australia.
- Department of Water and Environmental Regulation (DWER) (2018). Incident report ICMS Number: 51066.
- Government of Western Australia (2019) 2018 South West Vegetation Complex Statistics. Current as of March 2019. WA Department of Biodiversity, Conservation and Attractions, Perth. <https://catalogue.data.wa.gov.au/dataset/dbca>
- Heddle, E. M., Loneragan, O. W., and Havel, J. J. (1980) Vegetation Complexes of the Darling System, Western Australia. In Department of Conservation and Environment, Atlas of Natural Resources, Darling System, Western Australia
- Learner, A. (2019), Clearing Permit application CPS 8480/1 (DWER Ref: DWERT2733).
- 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.
- Shire of Northam (2019). Advice in relation to CPS 8480/1 (DWER Ref: A1803365, A1803367, A1803372).

GIS Databases:

- Aboriginal Sites of Significance
- DAFWA Heritage
- DBCA Estate
- DWER Covenant
- Groundwater salinity
- Hydrography, linear
- National Trust WA Covenant
- Remnant vegetation
- SAC bio datasets (accessed July 2019)
- Soils, Statewide
- Topographic contours
- Wetlands