



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 8502/1
Permit Holder:	Shire of Manjimup
Duration of Permit:	17 October 2020 – 17 October 2025

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 widening.

2. Land on which clearing is to be done

Windy Harbour Road Reserve (PIN: 1151015), Boorara Brook
Windy Harbour Road Reserve (PINs: 11449840; 1190684), Northcliffe

3. Area of Clearing

The Permit Holder must not clear more than 3.2604 hectares of native vegetation within the area cross-hatched yellow on attached Plan 8502/1.

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 Jolder may clear native vegetation for the activities described in condition 1 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:

- (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.

7. Flora management

The Permit Holder must implement and adhere to the 'Threatened Flora Management Recommendations Shire of Manjimup - Wheatley Coast/Windy Harbour Roads (Windy Harbour Road Management Plan)' by the Department of Biodiversity, Conservation and Attractions by:

- (a) not mulching or spraying between *priority flora* markers; and
- (b) contacting the Department of Biodiversity, Conservation and Attractions for on-site evaluation at the time of activities described in condition 1.

8. Fauna management - direction of clearing

The Permit Holder shall conduct clearing in a slow progressive manner from one direction to the other (e.g. east to west) to allow fauna to move into adjacent native vegetation ahead of the clearing activity.

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* and *dieback*:

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

PART III - RECORD KEEPING AND REPORTING

10. 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;
- (b) the date(s) 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) actions taken in accordance with condition 7 of this Permit;
- (f) actions taken in accordance with condition 8 of this Permit; and
- (g) 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

- (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 has been undertaken, a written report confirming that no clearing under this Permit has been undertaken, must be provided to the *CEO* on or before 30 June of each year.
- (c) Prior to 17 July 2025, 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:

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;

priority flora means those plant taxa described as priority flora classes 1, 2, 3, or 4 in the Department of Biodiversity, Conservation and Attractions Threatened and Priority Flora List for Western Australia (as amended from time to time).

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.

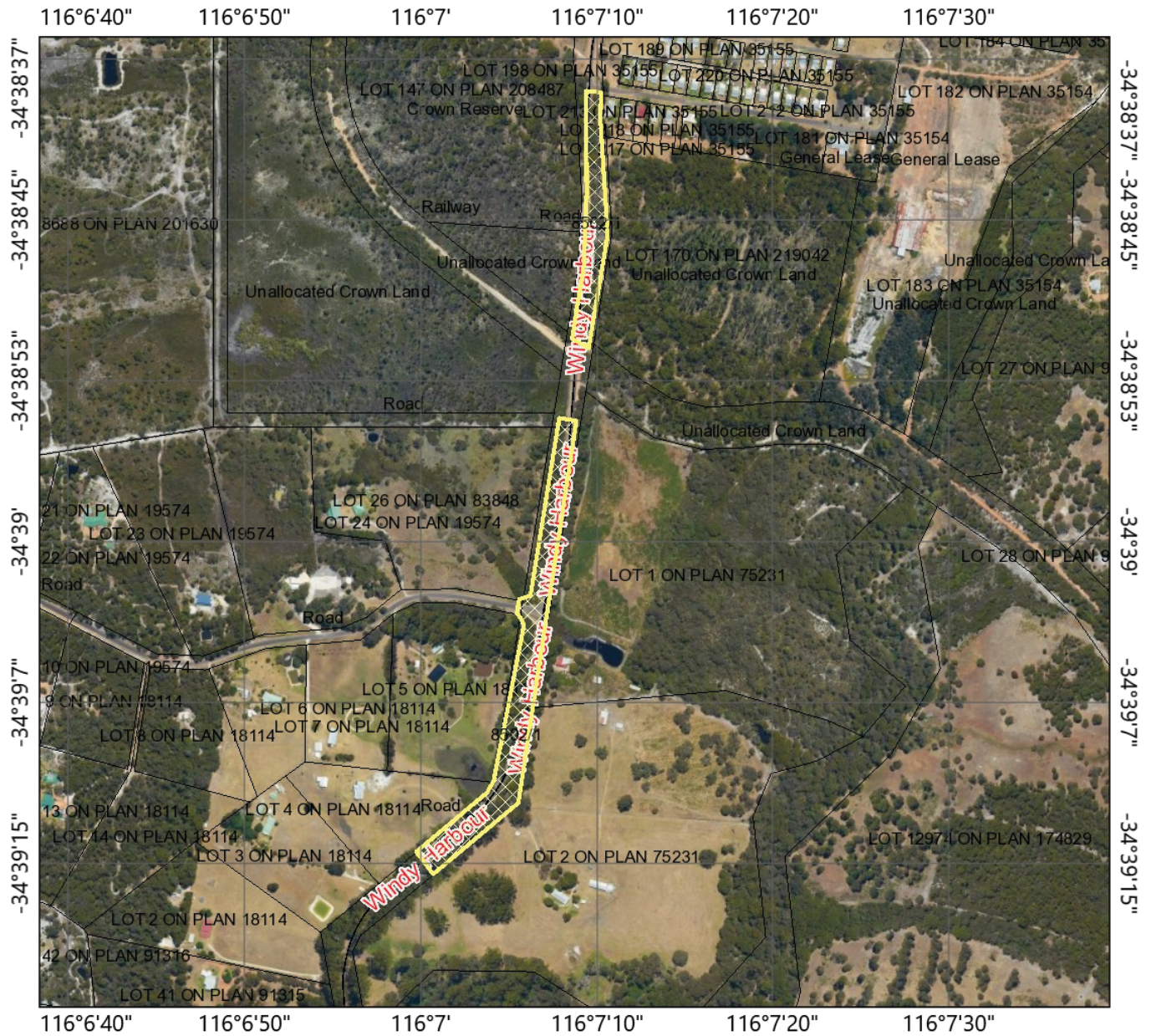


Mathew Gannaway
MANAGER
NATIVE VEGETATION REGULATION

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

24 September 2020

Plan 8502/1



Legend

- CPS areas approved to clear
- Roads - Major Roads
- Cadastre



WGS_1984_Web_Mercator_Auxiliary_Sphere

Locality Map



Mathew
Gannaway
2020.09.24
15:24:45
+08'00'

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

Disclaimer: This map is used as a generic static output for reference purposes. Information on this map may or may not be accurate, current, or otherwise reliable. While the Department of Water and Environmental Regulation has made all reasonable efforts to ensure the accuracy of this data, the department accepts no responsibility for any inaccuracies and persons relying on this data do so at their own risk.

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Government of Western Australia
Department of Water and Environmental Regulation



1. Application details

1.1. Permit application details

Permit application No.: 8502/1
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: Shire of Manjimup
Application received date: 23 May 2019

1.3. Property details

Property: Windy Harbour road reserve (PIN 11510150), Boorara Brook
Windy Harbour road reserve (PIN 1190684), Northcliffe
Windy Harbour road reserve (PIN 11449840), Northcliffe
Local Government Authority: Shire of Manjimup
Localities: Northcliffe and Boorara Brook

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
3.2604	-	Mechanical Removal	Road construction and upgrades

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 24 September 2020

Reasons for Decision: The clearing permit application was received on 23 May 2019, and has been assessed against the clearing principles, planning instruments and other matters in accordance with s51O of the *Environmental Protection Act 1986* (EP Act). It has been concluded that the proposed clearing is at variance with principle (f) and is not likely to be at variance with any of the remaining clearing principles.

Through assessment it has been determined that the application area contains conservation significant flora. The applicant has committed to avoiding these flora populations. The Delegated Officer had regard for the Management Plan for Windy Harbour Road, which is implemented by the Shire of Manjimup. The Management Plan identifies locations of conservation significant flora along Windy Harbour Road and does not authorise mulching or spraying between conservation significant flora markers. Under the Management Plan, the Shire of Manjimup is required to contact the Department of Biodiversity, Conservations and Attractions for on-site evaluation at the time of road construction activities. A condition on the permit requiring the applicant to adhere to the Management Plan will ensure the minimal impact to conservation significant flora. The Delegated Officer determined that as the proposed clearing is being undertaken in accordance with the Windy Harbour Road Management Plan, that the environmental impacts of the proposed clearing can be mitigated.

Slow directional clearing will mitigate impacts to fauna that may be utilising the application area at the time of clearing, by giving them the opportunity to escape ahead of the clearing activity.

In determining to grant a clearing permit subject to flora, fauna, weed and dieback management conditions, the Delegated Officer found that the proposed clearing is not likely to lead to an unacceptable risk to the environment.

2. Site Information

Clearing Description The application is to clear 3.2604 hectares within Windy Harbour Road Reserve, for the purpose of road widening (Figure 1).

Vegetation Description The application area is mapped as the following South West Forests Vegetation complexes:

- Broad Swamps (S4) is described as low woodland of *Eucalyptus marginata* subsp. *marginata* – *Nuytsia floribunda* with some *Melaleuca preissiana* and closed heaths of Myrtaceae spp. on broad drainage lines in hyperhumid and perhumid zones; and
- Collis (Cob) is described as tall open forest of *Eucalyptus diversicolor* - *Corymbia calophylla* on crests of hills arising above the southern coastal plain in the hyperhumid zone (Government of Western Australia, 2019).

Vegetation Condition

The application area is determined to be in a good to very good condition, described as:

- Good; Vegetation structure significantly altered by very obvious signs of multiple disturbances. Retains basic vegetation structure or ability to regenerate it (Keighery, 1994); to
- Very Good; Vegetation structure altered; obvious signs of disturbance (Keighery, 1994).

Comment

The condition of the vegetation within the application area was determined from a site inspection undertaken by the Department of Water and Environmental Regulation (DWER) environmental officers (DWER, 2019).



Figure 1: Application area for CPS 8502/1 (cross-hatched in blue)

3. Minimisation and mitigation measures

The applicant has advised that (Shire of Manjimup, 2019a; Shire of Manjimup, 2019b):

- only trees that are deemed a risk to safety will be removed;
- where possible native vegetation will be avoided; and
- that all occurrences of conservation significant flora will be avoided.

4. Assessment of application against clearing principles

The applicant proposes to clear up to 3.2604 hectares within Windy Harbour Road Reserve for the purpose of road widening. The DWER site inspection identified that the vegetation within the application area predominately consists of *Corymbia calophylla* (Marri) and *Eucalyptus marginata* (Jarrah) with some areas of *Agonis flexuosa* (Peppermint) and *Eucalyptus diversicolor* (Karri) trees in good to very good (Keighery, 1994) condition (DWER, 2019).

According to available databases, one threatened and thirteen priority flora have been recorded within the local area (10 kilometre radius). The Department of Biodiversity, Conservation and Attractions (DBCA) previously advised that the Threatened Flora Management Recommendations for Wheatley Coast/Windy Harbour Roads (Windy Harbour Road Management Plan) includes nine sites south of Northcliffe which have been identified as having conservation significant flora that may be impacted by road construction and upgrade activities (DBCA, 2017a; DBCA, 2017b). Of these sites, one falls within the application area, however, the applicant has advised that the proposed clearing will not impact the populations of *Lomandra ordii* (Priority 4) at this site. If the proposed clearing is done in accordance with the Threatened Flora Management Recommendations, the impacts to conservation significant flora will be minimal (DBCA, 2017a). In accordance with the Management Plan, the applicant will not be able to spray or mulch between conservation significant flora markers and will be required to contact DBCA for on-site evaluation at the time of road construction activities. A condition requiring the applicant to adhere to the Threatened Flora Management Recommendations will ensure the minimal impact to conservation significant flora.

Baudin's cockatoo (*Calyptorhynchus baudinii*) and Carnaby's cockatoo (*Calyptorhynchus latirostris*) are listed as Endangered and forest red-tailed black cockatoo (*Calyptorhynchus banksii naso*) is listed as Vulnerable under the Commonwealth *Environment Protection and Biodiversity Act 1999* (EPBC Act) and have been recorded within the local area. Black cockatoos nest in hollows in live or dead trees of karri, marri, wandoo, tuart, salmon gum, jarrah, flooded gum, York gum, powder bark, bullich and blackbutt (Commonwealth of Australia, 2012). Jarrah and marri trees were observed within the application area (DWER, 2019). Mature peppermint trees were also noted within the application area and may be suitable habitat for the western ringtail possum (*Pseudocheirus occidentalis*), listed as Critically Endangered under the *Biodiversity Conservation Act 2016* and EPBC Act.

A western ringtail possum survey and black cockatoo habitat tree assessment was undertaken in May and June 2020 (Harewood, 2020). The western ringtail possum survey included both a daytime and nocturnal survey, and no dreys, scats or individuals were observed from the surveys. The application area was found to contain six potential black cockatoo habitat trees (trees with diameter at breast height of more than 50 centimetres), however none were identified as containing hollows suitable for, or in use by black cockatoos (Harewood, 2020). Noting the findings of the surveys, the native vegetation proposed to be cleared is not considered to comprise the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna.

Whilst the application area is not considered to contain significant habitat for fauna, it is recognised that fauna may be present at the time of clearing due to the good to very good (Keighery, 1994) condition of the native vegetation. Slow, directional clearing will assist in fauna escaping ahead of the clearing activity.

The extent of the mapped vegetation type and the native vegetation in the local area is consistent with the national objectives and targets for biodiversity conservation in Australia (EPA, 2008; Government of Western Australia, 2019; Commonwealth of Australia, 2001), therefore the application area is not considered to occur in an area that has been extensively cleared.

The application area is considered to form part of a South West Regional Ecological Linkage (SWREL). The SWREL report (Molloy et al., 2009) defines an ecological linkage as "a series of (both contiguous and non-contiguous) patches which, by virtue of their proximity to each other, act as stepping stones of habitat to facilitate the maintenance of ecological processes and the movement of organisms within, and across, a landscape". Axis lines in the SWREL Report are used to identify patches of remnant vegetation with high connectivity or linkage value; the emphasis for biodiversity planning and conservation becomes the protection and management of the patches identified using the linkage axis lines, rather than within the area defined by the axis line itself.

Remnant vegetation within the SWREL boundary can be assigned a 'proximity analysis' group. A patch of vegetation with an edge touching or less than 100 metres from a linkage (axis line) is assigned to proximity analysis Group 1(a) which is the highest category group. A SWREL axis line is mapped approximately 50 metres north and south of the application area. There is native vegetation contiguous from the mapped SWREL linkage to an unnamed Reserve (adjacent northern section of application area) and Gardner State Forest (1.1 kilometres south) (Molloy et al., 2009). Given the application area is located within this contiguous native vegetation, the application area falls within proximity analysis Group 1(a). While the application area forms part of an ecological linkage, the proposed clearing will not sever the linkage or remove linkage values entirely. It is acknowledged that the area may degrade over time due to the nature of the location. A condition requiring the applicant to implement weed and dieback management measures to reduce the risk of spread will be imposed on the clearing permit to reduce the risk of degradation to conservation areas.

According to available databases, three priority ecological communities (PECs) are recorded within the local area (invertebrate assemblages of granite outcrops, Reedia swamps – Warren region and epiphytic cryptogams of the karri forest). The vegetation within the application area is not consistent with the description of locally known PEC occurrences (DWER, 2019). There are no threatened ecological communities (TECs) mapped within the application area or the local area.

One watercourse intersects the application area and vegetation associated with this watercourse is proposed to be cleared. Therefore, the proposed clearing includes vegetation growing in, or in association with, a watercourse. Given the linear nature of the proposed clearing and taking into account existing roadside infrastructure (drains, swales and culverts), the proposed clearing is not likely to contribute to or cause land degradation, deteriorate the quality of groundwater or surface water and is not likely to cause or exacerbate flooding.

Given the above, the proposed clearing is at variance with principle (f) and is not likely to be at variance with the remaining 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 21 June 2019 with a 21 day submission period. One public submission was received in relation to this application (Submission, 2019). The submission raised the discrepancy of the proposed clearing location within the clearing permit application form and consequently the uncertainty of the size of the application area. The applicant confirmed the size of the application area to be 3.2604 hectares within the Windy Harbour road reserve (Shire of Manjimup, 2019c). The application was re-advertised to reflect the correct location and size of the application area on 28 July 2020 with a seven day submission period, no public submissions were received during this period.

The application area is managed under a Memorandum of Understanding between the Shire of Manjimup and DBCA known as the Windy Harbour Road Management Plan. The applicant has advised that clearing will be undertaken in accordance with this management plan.

5. References

- Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.
- Commonwealth of Australia (2012) EPBC Act referral guidelines for three threatened black cockatoo species. Department of Sustainability, Environment, Water, Populations and Communities, Canberra.
- Department of Biodiversity, Conservation and Attractions (DBCA) (2017a) Regional advice provided to the Department of Water and Environmental Regulation regarding clearing permit application CPS 7671/1. DWER Ref A1534289.
- Department of Biodiversity, Conservation and Attractions (DBCA) (2017b) Copy of the Windy Harbour Road Management Plan provided to the Department of Water and Environmental Regulation regarding clearing permit application CPS 7671/1. DWER Ref A1534290.
- Department of Water and Environmental Regulation (2019) Site Inspection Report for CPS 8502/1, Department of Water and Environmental Regulation. 23 September 2019. DWER ref DWERDT203978.
- Environmental Protection Authority (EPA) (2008) Environmental Guidance for Planning and Development Guidance Statement No 33. Environmental Protection Authority, Western Australia.
- Government of Western Australia (2019). *2018 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report)*. Current as of March 2019. WA Department of Biodiversity, Conservation and Attractions.
<https://catalogue.data.wa.gov.au/dataset/dbca-statewide-vegetation-statistics>
- Harewood, G. (2020) Western Ringtail Possum Survey and Habitat Tree Assessment of proposed clearing area CPS 8502/1, Windy Harbour Road – Northcliffe (SLK 1.36 to 2.50). Unpublished report prepared for Shire of Manjimup. Version 1, June 2020.
- Keighery, B.J., 1994. Bushland Plant Survey: a guide to plant community survey for the community, Wildflower Society of WA (Inc), Nedlands, Western Australia.
- Molloy, S., Wood, J., Hall, S., Wallrodt, S. and Whisson, G. (2009). South West Regional Ecological Linkages Technical Report. Western Australian Local Government Association and Department of Environment and Conservation.
- Shire of Manjimup (2019a) Clearing permit application CPS 8502/1. DWER ref. A1791145.
- Shire of Manjimup (2019b) Additional information from the Shire of Manjimup. DWER ref. DWERDT199181.
- Shire of Manjimup (2019c) Confirmation of application area. DWER ref. A1797962.
- Submission (2019) Public submission received on 10 July 2019 for Clearing Permit application CPS 8502/1. DWER ref. A1804355.

6. GIS Databases

- Aboriginal Sites of Significance
- CPS Areas applied to clear
- DBCA Managed Estate
- Hydrography, hierarchy
- Hydrography, linear
- SAC Bio Datasets
- Soils, Statewide
- TPFL
- WAHerb Data
- WA TEC PEC Boundaries