



## CLEARING PERMIT

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

### PERMIT DETAILS

Area Permit Number: 8773/1  
File Number: DWERVT5046  
Duration of Permit: From 10 April 2020 to 10 April 2022

### PERMIT HOLDER

Australian Western Railroad Pty Ltd

### LAND ON WHICH CLEARING IS TO BE DONE

Lot 511 on Deposited Plan 41203, Kwinana Beach

### AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 0.403 hectares of native vegetation within the area cross-hatched yellow on attached Plan 8773/1.

### CONDITIONS

#### 1. 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.

#### 2. 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*:

- (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.

#### 3. 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 or decimal degrees;
- (b) the date that the area was cleared;
- (c) the size of the area cleared (in hectares);
- (d) actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 1 of this Permit; and
- (e) actions taken to minimise the risk of the introduction and spread of *dieback* and *weeds* in accordance with condition 2 of this Permit.

#### 4. Reporting

The Permit Holder must provide to the *CEO* the records required under condition 3 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 Regional Weed Rankings 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*

13 March 2020

# Plan 8773/1

115°47'2.400"E

115°47'6.000"E

115°47'9.600"E

32°14'2.400"S

32°14'6.000"S

32°14'2.400"S

32°14'6.000"S




115°47'2.400"E

115°47'6.000"E

115°47'9.600"E



## Legend

-  Cadastre - LGATE 218
-  CPS areas approved to clear
-  Road Centrelines

0 10 20 30 40 50 m



*Samara Rogers*

Samara Rogers

2020.03.13

14:28:02 +08'00'

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.: 8773/1  
Permit type: Area Permit

### 1.2. Applicant details

Applicant's name: Australian Western Railroad Pty Ltd  
Application received date: 19 December 2019

### 1.3. Property details

Property: Lot 511 on Deposited Plan 41203, Kwinana Beach  
Local Government Authority: City of Kwinana  
Localities: Kwinana Beach

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
0.4028		Mechanical Removal	Hazard reduction or fire removal

### 1.5. Decision on application

Decision on Permit Application: Granted  
Decision Date: 13 March 2020

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 with principle (a) and is not likely to be at variance to all the remaining principles.

Through assessment it has been determined that the vegetation within the application area is considered to be part of a patch of the Commonwealth listed critically endangered threatened ecological community (TEC) "Tuart (*Eucalyptus gomphocephala*) woodlands and forests of the Swan Coastal Plain". Noting the application area comprises only a small portion of this patch, the proposed clearing of the application area would have a minimal impact on the extent of this TEC/PEC.

The Delegated Officer determined that overall, given the small extent of the proposed clearing within extensive areas of remnant vegetation, the clearing is unlikely to have any significant environmental impacts and is not likely to lead to an unacceptable risk to the environment.

In order to minimise the impact of the clearing, the Delegated Officer has imposed weed and dieback management conditions.

## 2. Site Information

### Clearing Description

The application proposes to clear 0.4028 hectares of native vegetation within Lot 511 on Deposited Plan 41203, Kwinana Beach, within an area zoned "Railways". The application area is located between two railway lines, with a yard located immediately south of the application area. The purpose of the clearing is to improve visibility of this yard for safety reasons. The applicant advises that a safety audit was conducted following a yard collision in this area in 2018, which recommended removal of this vegetation.

### Vegetation Description

The Application area occurs within the 'Swan Coastal Plain' Interim Biogeographic Regionalisation for Australia (IBRA) bioregion, and is mapped as the Swan Coastal Plain vegetation complex: Cottesloe Complex-Central and South, described as "mosaic of woodland of *Eucalyptus gomphocephala* (Tuart) and open forest of *Eucalyptus gomphocephala* (Tuart) - *Eucalyptus marginata* (Jarrah) - *Corymbia calophylla* (Marri); closed heath on the Limestone outcrops" (Heddl et al 1980).

A reconnaissance flora survey (which includes the application area) was conducted in May 2019 (Strategen 2019). The field survey found no threatened flora species as listed under section 178 of the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) or section 19(1) of the *Biodiversity Conservation Act 2016* (the BC Act), or priority flora species as listed by the Department of Biodiversity, Conservation and Attractions (DBCA), within the application area or within the wider surveyed area. Vegetation within the application area was described as "*Eucalyptus gomphocephala* mid woodland over *Acacia rostellifera* tall shrubland over mixed grassland and hermland of weedy species". Understorey species were almost completely absent from majority (including the application area) of the wider surveyed area, with only occasional native

species other than the *Eucalyptus gomphocephala* and *Acacia rostellifera* recorded (Strategen 2019).

**Vegetation Condition**

As indicated by the Strategen (2019) report provided by the applicant, the condition of the vegetation within the application area is considered as degraded, described as: basic vegetation structure severely impacted by disturbance, scope for regeneration but not to a state approaching good condition without intensive management (Keighery, 1994).

**Soil type**

The application area is mapped as Quindalup South Qf2 phase: Relict foredunes and gently undulating beach ridge plain with deep uniform calcareous sands (Department of Primary Industries and Regional Development, 2019).

**Comment**

The local area is defined as a ten kilometre radius from the application area.

A review of available databases has determined that the local area retains approximately 30 per cent of its pre-European clearing extent.



Figure 1 – Photograph of north-western portion of the application area (Australian Western Railroad Pty Ltd 2019)



Figure 2 – Photograph of south-western portion of application area (Australian Western Railroad Pty Ltd 2019)



Figure 3 – Vegetation within application area (Australian Western Railroad Pty Ltd 2019)



Figure 4 – Vegetation within application area (Australian Western Railroad Pty Ltd 2019)

### 3. Assessment of application against clearing principles

No threatened or priority flora species were identified within the application area, and vegetation within the application area is in a degraded condition with native understorey species largely absent (Strategen 2019). The application is not likely to contain any state listed threatened ecological communities. Strategen (2019) identified that the application area is within a patch of vegetation categorised as “Tuart (*Eucalyptus gomphocephala*) woodlands and forests of the Swan Coastal Plain” Commonwealth listed threatened ecological community (TEC) (state listed as a priority ecological community (PEC)) according to the Threatened Species Scientific Committee (TSSC) (2019) diagnostic criteria. This patch comprises an area of 8.08 hectares and ranges in condition from completely degraded to good, with the majority of the patch in degraded condition. The application area comprises only a small portion (approximately 5 per cent) of this patch (Strategen 2019) and as such clearing of the application area would have a minimal impact on the extent of this TEC/PEC. No other TECs or PECs, including the “*Banksia* woodlands of the Swan Coastal Plain ecological community” Commonwealth listed TEC or state listed PEC, were considered to be present within the application area (Strategen 2019).

No trees considered to be significant black cockatoo habitat were identified within the application area, although some were found in nearby patches of vegetation within the broader survey area (Strategen 2019). Due to the small size and isolated nature of this application area, the vegetation is considered unlikely to support a significant habitat for native fauna.

As the mapped vegetation types and the local area surrounding the proposed clearing location each retain more than 30 per cent of the pre-European clearing extent of native vegetation (Government of Western Australia, 2019), and given the relatively small size of the application area and the lack of conservation significant flora and fauna, the proposed clearing is not likely to be considered a significant remnant within an extensively cleared area.

There are no watercourses or wetlands mapped within the application area, therefore native vegetation within the application area is not considered to be growing in, or in association with, an environment with a watercourse or wetland. The closest watercourse to the application area is a resource enhancement category wetland located 136 metres east from the application area. Noting the extent of the proposed clearing and the presence of the railway tracks between the application area and the wetland, the proposed clearing is not likely to result in deterioration of the water quality in this wetland. Noting the extent of the clearing and the soil type within the application area, the proposed clearing is not likely to result in significant land degradation, result in the deterioration in the quality of surface or ground water, or cause or exacerbate flooding.

The application area is located 240 metres west from Bush Forever site 349 (Leda and adjacent bushland, Leda), however between these areas is a 25m wide railway reserve and a strip of completely degraded to degraded vegetation (Strategen 2019). As such, it is considered unlikely that the proposed clearing would have an impact on the environmental values of this area. A weed and dieback management condition will help mitigate any potential impacts to nearby conservation areas.

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

#### Planning instruments and other relevant matters.

The City of Kwinana (2020) advised that no development approval is necessary for the proposed land use of the application area. However, during the process of preparing a Local Biodiversity Strategy, the City has identified the vegetation within Lot 511 as a Local Natural Area (LNA) and the City's intent is to seek to retain LNAs via the planning process. Furthermore, the City notes that the vegetation proposed to be cleared is identified as being of the Quindalup Vegetation Complex, and that as of 2013, only 1 per cent of the Quindalup Vegetation Complex was protected via reservation in the City. The City has therefore identified the retention of this vegetation complex as a priority (City of Kwinana, 2020).

In regards to the above comments, it is considered that although the application area is mapped within the Swan Coastal Plain vegetation complex Cottesloe Complex-Central and South, the vegetation as described by Strategen (2019) may be consistent with vegetation in Quindalup Vegetation complex (of which one of the local variations include the closed scrub of *Acacia rostellifera* (Summer-scented Wattle)), of which 60.5 per cent (33011.64 hectares) of the pre-European clearing extent remains (Government of Western Australia, 2019). 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). Clearing of the proposed area would reduce the remaining Quindalup Vegetation complex area by 0.001 per cent. As such, although noting that not all of this vegetation is protected via reservation, it is considered that the proposed clearing would not have a significant effect on the extent of this vegetation complex throughout the state. Furthermore, given the small size of the application area, its isolation from the public and other natural areas, and degraded condition, vegetation within the application area is considered to provide minimal local benefits when compared to other natural areas.

It is noted that this application area falls within a Contaminated Site (ID 13591) classified as “Contaminated – Remediation required”, with hydrocarbons present in soil and groundwater beneath the southern portion of the site. However, the DWER Contaminated Sites Branch has advised that the application area, being in the north of the site, is located outside of the area of contamination (DWER 2020), and no known contamination is present within the application area.

The applicant had undertaken clearing of approximately 0.11 ha between two converging rail lines in August 2019, following an incident due to vegetation affecting the visibility of train drivers. This clearing was undertaken in accordance with Regulation 5 Item 2 and 22 of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*, as the clearing was necessary to maintain the safety of the rail corridors. The clearing undertaken using the exemptions included degraded to completely degraded tuart woodland and scrub heath including a degraded understory of summer scented wattle (*Acacia Rostellifera*) and weeds including arum lily, *Euphorbia* sp. and cotton bush. Some degraded scrub heath and understory was also cleared to ensure a safe working zone for track maintenance (DWER, 2019).

The applicant requested that the period of authorised clearing be extended from the default period of two years to expire in December 2022, such that clearing works can be integrated with a strategic land use plan for the Kwinana Depot. Given the application is for an Area Permit a two year time frame is considered appropriate by the Delegated Officer. If the Permit Holder requires more time than an application to amend can be submitted to extend the duration of the clearing permit.

No Aboriginal sites of significance have been mapped within the Application area.

The application area is not within an environmentally sensitive area.

The clearing permit application was advertised on the DWER website on 24 December 2019 with a 14 day submission period. During the submission period, no public submissions were received.

#### 4. References

- Australian Western Railroad Pty Ltd (2019). Supporting information (photographs of the application area) for clearing permit application CPS 8773/1 provided by applicant. Received by DWER on 19 December 2019 (DWER Ref: A1860597).
- Department of Primary Industries and Regional Development (DPIRD) (2019). NRInfo Digital Mapping. Department of Primary Industries and Regional Development. Government of Western Australia. URL: <https://maps.agric.wa.gov.au/nrm-info/> (accessed 31 January 2020).
- Department of Water and Environmental Regulation (DWER) (2019). Incident and Complaint Management System record. Incident ID: 54771. Reported to DWER by Paul Parkinson, Senior Advisor Environment, Aurizon.
- Department of Water and Environmental Regulation (DWER) (2020). Internal advice provided regarding CPS 8773/1 by the Contaminated Sites branch. Received by the Native Vegetation Regulation Branch on 3 March 2020 (DWER ref: A1872725)
- 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>
- Hedde, 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.
- Keighery, B.J. (1994). Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Strategen (2019). Lots 511 and 512 Rockingham Road, Kwinana Beach - Reconnaissance flora and vegetation survey and black cockatoo habitat assessment, August 2019 (DWER Ref: A1860595).
- Threatened Species Scientific Committee (TSSC) (2019). Approved Conservation Advice (incorporating listing advice) for the Tuart (*Eucalyptus gomphocephala*) woodlands and forests of the Swan Coastal Plain ecological community, [Online], Australian Government, Available from: <http://www.environment.gov.au/biodiversity/threatened/communities/pubs/131-conservationadvice.pdf>.
- City of Kwinana (2020). Supporting information for clearing permit application CPS 8773/1. Town of Kwinana. Received by DWER on 14 February 2020 (DWER Ref: A1868192).

Publicly available GIS Databases used (data.wa.gov.au):

- Soil and Landscape Mapping – Best Available
- Geomorphic Wetlands – Swan Coastal Plain (DBCA-019)
- IBRA Vegetation Statistics
- Vegetation Complexes - Swan Coastal Plain (DBCA-046)
- Remnant Vegetation
- Groundwater Salinity Statewide (DWER-026)
- Contours (DPIRD-073)
- Hydrography - Inland Waters - Waterlines
- Soil and Landscape Quality – Wind Erosion Risk (DPIRD-016)
- Soil and Landscape Quality – Water Erosion Risk (DPIRD-013)
- Soil and Landscape Quality – Waterlogging Risk (DPIRD-015)
- Soil and Landscape Quality – Water Repellence Risk (DPIRD-014)
- Soil and Landscape Quality – Subsurface Acidification Risk (DPIRD-011)
- Soil and Landscape Quality – Phosphorus Export Risk (DPIRD-010)
- Soil and Landscape Quality – Salinity Risk (DPIRD-009)
- DBCA – Lands of Interest (DBCA-012)
- DBCA Legislated Lands and Waters (DBCA-011)
- Regional Parks (DBCA-026)
- Aboriginal Heritage Places (DPLH-001)
- Local Planning Scheme – Zones and Reserves (DPLH-071)
- CAWSA Part 2A Clearing Control Catchments (DWER-004)

Restricted GIS Databases used:

- Threatened Flora (TPFL)

- Threatened Flora (WAHerb)
- Threatened Fauna
- TECs and PECs
- TECs and PECs (buffered)
- Black Cockatoo roost sites
- Statewide Vegetation Complex Statistics