

# **CLEARING PERMIT**

Granted under section 51E of the Environmental Protection Act 1986

#### PERMIT DETAILS

Area Permit Number:	CPS 9009/1
File Number:	DWERVT6294
Duration of Permit:	TBA

## PERMIT HOLDER

Shire of Waroona

## LAND ON WHICH CLEARING IS TO BE DONE

Peppermint Grove Road Reserve (PIN 11509753)

Lot 801 on Deposited Plan 38278, Wagerup

## **AUTHORISED ACTIVITY**

The permit holder must not clear more than 5 native trees within the area cross-hatched yellow in Figure 1 of Schedule 1.

## CONDITIONS

#### 1. Avoid, minimise, and reduce impacts and extent of clearing

In determining the native vegetation authorised to be cleared under this permit, the permit holder must apply the following principles, set out in descending 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. Weed and dieback management

When undertaking any clearing authorised under this permit, the permit holder must take the following measures to minimise the risk of 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 that must be kept

The permit holder must maintain records relating to the listed relevant matters in accordance with the specifications detailed in Table 1.

## Table 1: Records that must be kept

No.	Relevant matter	Specifications			
1.	In relation to the authorised clearing	(a) the species composition, structure, and density of the cleared area;			
	activities generally (1	<ul> <li>(b) 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;</li> </ul>			
		(c) the date that the area was cleared;			
		(d) the size of the area cleared (in hectares);			
		(e) actions taken to avoid, minimise, and reduce the impacts and extent of clearing in accordance with condition 1; and			
		(f) actions taken to minimise the risk of the introduction and spread of weeds and dieback in accordance with condition 2.			

#### 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**

In this permit, the terms in Table have the meanings defined.

### Table 2: Definitions

Term	Definition			
СЕО	Chief Executive Officer of the department responsible for the administration of the clearing provisions under the <i>Environmental Protection Act 1986</i> .			
clearing	has the meaning given under section $3(1)$ of the EP Act.			
condition	a condition to which this clearing permit is subject under section 51H of the EP Act.			
fill	means material used to increase the ground level, or to fill a depression.			
dieback	means the effect of Phytophthora species on native vegetation.			
EP Act	Environmental Protection Act 1986 (WA)			
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.			
native vegetation	has the meaning given under section 3(1) and section 51A of the EP Act.			
	means any plant –			
	(a) that is a declared pest under section 22 of the <i>Biosecurity and Agriculture Management Act 2007</i> ; or			
weeds	<ul> <li>(b) published in a Department of Biodiversity, Conservation and Attractions species-led ecological impact and invasiveness ranking summary, regardless of ranking; or</li> </ul>			
	(c) not indigenous to the area concerned.			

## **END OF CONDITIONS**

## XXXXX XXXXXXX NATIVE VEGETATION REGULATION

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

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# **SCHEDULE 1**



# Figure 1: Map of the boundary of the area within which clearing may occur (Draft)

Draft Permit CPS 9009/1



# **Clearing Permit Decision Report**

1. Application deta	ils and outcome				
1.1. Permit application	1.1. Permit application details				
Permit number:	CPS 9009/1				
Permit type:	Area permit				
Applicant name:	Shire of Waroona				
Application received:	12 August 2020				
Application area:	5 native trees				
Purpose of clearing:	Road hazard reduction				
Method of clearing:	Mechanical				
Property:	Peppermint Grove Road reserve (PIN 11509753) and Lot 801 on Deposited Plan 38278, Wagerup				
Location (LGA area/s):	Shire of Waroona				
Localities (suburb/s):	Wagerup				

#### **1.2.** Description of clearing activities

The application is to clear five individual trees within the road reserve of Peppermint Grove Road for the purpose of road hazard reduction (see Figure 1, Section 1.5).

.3. Decision on application and key considerations						
Decision:	Undertaking to Grant					
Decision date:	22 March 2021					
Decision area:	5 native trees as depicted in Section 1.5 below					

#### 1.4. Reasons for decision

This clearing permit application was submitted, accepted, assessed and determined in accordance with sections 51E and 51O of the *Environmental Protection Act 1986* (EP Act). The Department of Water and Environmental Regulation (DWER) advertised the application for 21 days and no submissions were received.

In undertaking to grant this clearing permit, the Delegated Officer had regard for the site characteristics (see Appendix A), relevant datasets (see Appendix E) and a site inspection, the clearing principles set out in Schedule 5 of the EP Act (see Appendix B), relevant planning instruments and any other matters considered relevant to the assessment (see Section 3). The Delegated Officer also took into consideration that the purpose of the clearing is to improve road safety.

After consideration of the available information, as well as the applicant's minimisation and mitigation measures (see Section 3.1), the Delegated Officer determined the proposed clearing is unlikely to lead to result in significant impacts to environmental values and the applicant has suitably demonstrated avoidance and minimisation measures.

The Delegated Officer decided to grant a clearing permit subject to conditions to

- avoid, minimise to reduce the impacts and extent of clearing; and
- take hygiene steps to minimise the risk of the introduction and spread of weeds.



#### 2. Legislative context

The clearing of native vegetation in Western Australia is regulated under the EP Act and the *Environmental Protection* (*Clearing of Native Vegetation*) Regulations 2004 (Clearing Regulations).

In addition to the matters considered in accordance with section 510 of the EP Act (see Section 1.3), the Delegated Officer has also had regard to the objects and principles under section 4A of the EP Act, particularly:

- 1. the precautionary principle;
- 2. the principle of intergenerational equity; and
- 3. the principle of the conservation of biological diversity and ecological integrity.

The key guidance documents which inform this assessment are:

- A guide to the assessment of applications to clear native vegetation (December 2013)
- *Procedure: Native vegetation clearing permits* (DWER, October 2019).

#### 3. Detailed assessment of application

#### 3.1. Avoidance and mitigation measures

The applicant provided a Road Safety Audit report, which noted that the trees proposed to be cleared are in a "clear zone" on the outside of a curve and pose a risk to vehicle occupants in the event an errant vehicle leaves the roadway (Shire of Waroona, 2020).

#### 3.2. Assessment of environmental impacts

In assessing the application in accordance with section 510 of the EP Act, the Delegated Officer has examined the application and site characteristics (Appendix A) and considered whether the clearing poses a risk to environmental values. The assessment against the Clearing Principles is contained in Appendix B.

This assessment identified that the risk of the clearing to biological values (fauna) required further consideration. The detailed consideration and assessment of the clearing impacts against the specific environmental values is provided below. Where the assessment found that the clearing presents an unacceptable risk to environmental values, conditions aimed at controlling and/or ameliorating the impacts have been imposed under sections 51H and 51I of the EP Act. These are also identified below.

#### 3.2.1. Environmental value: biological values (fauna) – Clearing Principle (b)

<u>Assessment:</u> A database search identified that three conservation significant fauna species may utilise the application area including forest red-tailed black cockatoo (*Calyptorhynchus banksia* subsp. *naso*), Baudin's cockatoo (*Calyptorhynchus baudinii*) and Carnaby's cockatoo (*Calyptorhynchus latirostris*) (collectively referred to as black cockatoos).

The application area is within the known breeding range for Carnaby's cockatoo (Commonwealth of Australia, 2012), not within the known breeding range for Baudin's cockatoo (Commonwealth of Australia, 2012) and possibly be within a breeding area for the forest red-tailed black cockatoo (Department of Environment and Conservation, 2008). Black cockatoos breed in large hollow-bearing trees, generally within woodlands or forests or in isolated trees (Commonwealth of Australia, 2012). These species nest in hollows in live or dead trees that contain suitable hollows for nesting, including marri trees (Commonwealth of Australia, 2012). However, while the application area contains mature marri and is within the breeding range of Carnaby's cockatoo and the forest red-tailed black cockatoo, the site inspection undertaken by DWER did not identify any trees containing hollows of suitable size to provide breeding habitat by the black cockatoo species (DWER, 2020). As such, the proposed clearing is unlikely to significantly impact black cockatoo breeding habitat.

Whilst breeding, black cockatoos will forage within 12 kilometres of a breeding site (Commonwealth of Australia, 2012). According to available databases, 52 confirmed white-tailed black cockatoo breeding sites are mapped within 12 kilometres of the application area, the closest of which is approximately 2.7 kilometres to the north-west, although no confirmed red-tailed black cockatoo breeding sites are mapped within 12 kilometres. While the marri trees present within the application area may provide suitable foraging habitat for black cockatoos, given that only five marri trees are to be removed, the proposed clearing is unlikely to significantly reduce the amount of food available to breeding

birds or affect chick survival rates given the presence of similar vegetation within the local area and noting that vegetation within the application area does not contribute to significant ecological linkage. Similarly, while black cockatoos may also roost within these trees and two confirmed roost sites ate present within the local area, the removal of five trees is not likely to have a significant impact on black cockatoo roosting habitat.

<u>Conclusion:</u> Based on the above assessment, the Delegated Officer has determined that the proposed clearing is not likely to impact significant habit for fauna and no fauna management conditions are required.

#### Conditions: Nil

#### 3.3. Relevant planning instruments and other matters

It is noted that the proposed clearing area currently falls within Peppermint Grove Road reserve (PIN 11509753), which is managed by the Shire of Waroona, and Lot 801 on Deposited Plan 38278, which is privately owned. A Deposited Plan for a subdivision has been submitted to Landgate, which includes the widening of Peppermint Grove Road Reserve such that the proposed clearing area will fall entirely within the road reserve managed by the Shire. While the land boundary amendments are pending, this Undertaking to Grant has been issued to the Shire.

No Aboriginal Sites of Significance are mapped within the application area. It is the permit holder's responsibility to comply with the *Aboriginal Heritage Act 1972* (WA) and ensure that no Aboriginal Sites of Significance are damaged through the clearing process.

## Appendix A – Site characteristics

The information provided below describes the key characteristics of the area proposed to be cleared and is based on the best information available to DWER at the time of this assessment. This information was used to inform the assessment of the clearing against the Clearing Principles, contained in Appendix B.

#### 1. Site characteristics

Site characteristic	Details
Local context	The area proposed to be cleared consists of isolated trees along a road verge in the intensive land use zone of Western Australia. It is surrounded by cleared land to the south and Peppermint Grove Road to the north. The proposed clearing area does not contribute to an ecological linkage.
	Spatial data indicates the local area (10 kilometre radius of the proposed clearing area) retains approximately 31% of the original native vegetation cover.
Vegetation description	Photographs supplied by the applicant and a site inspection undertaken by DWER (2020) indicate the vegetation within the proposed clearing area consists of five mature marri ( <i>Corymbia calophylla</i> ) trees over an understorey of exotic grasses.
	This is inconsistent with the mapped vegetation type Bassendean Complex-Central and South, described as vegetation ranges from woodland of <i>Eucalyptus marginata</i> (Jarrah) - <i>Allocasuarina fraseriana</i> (Sheoak) - <i>Banksia</i> species to low woodland of Melaleuca species, and sedgelands on the moister sites. This area includes the transition of <i>Eucalyptus marginata</i> (Jarrah) to <i>Eucalyptus todtiana</i> (Pricklybark) in the vicinity of Perth (Heddle et al, 1980).
	Representative photos are available in Appendix D.
Vegetation condition	Photographs supplied by the applicant and a site inspection undertaken by DWER (2020) indicate the vegetation within the proposed clearing area is in completely degraded (Keighery, 1994) condition, described as, 'the structure of the vegetation is no longer intact and the area is completely or almost completely without native species. These areas are often described as 'parkland cleared' with the flora comprising weed or crop species with isolated native trees or shrubs'.
	The full Keighery condition rating scale is provided in Appendix C.
Soil description	The soil is mapped as Spearwood S2c Phase (211Sp_S2c), described as Lower slopes (1-5%) of dune ridge with bleached or pale sands with a yellow-brown or pale brown subsoil (like S1c). Usually occurs on the eastern edge of the Spearwood Dunes (DPIRD, 2019).
Land degradation risk	<ul> <li>Flood risk: &lt;3% of the map unit has a moderate to high flood risk</li> <li>Waterlogging risk: &lt;3% of map unit has a moderate to very high waterlogging risk</li> <li>Salinity risk: &lt;3% of map unit has a moderate to high salinity risk or is presently saline</li> <li>Phosphorus export risk: 10-30% of map unit has a high to extreme phosphorus export risk</li> <li>Subsurface acidification risk: 10-30% of map unit has a high subsurface acidification risk or is presently acid</li> <li>Wind erosion risk: &gt;70% of map unit has a high to extreme water erosion risk</li> <li>Water erosion risk: &lt;3% of map unit has a high to extreme water erosion risk</li> </ul>
Waterbodies	The desktop assessment and aerial imagery indicated that no wetlands or watercourses transect the application area. The closest waterbody to the application area is an unnamed Multiple Use category wetland, part of the Hamden consanguineous wetland suite, located 75 m north-west of the application area.

Site characteristic	Details
Hydrogeography	The application area is within the South West Coastal Groundwater area proclaimed under the <i>Rights in Water and irrigation Act 1914</i> .
	Groundwater salinity: 500-1000 mg/L
	Hydrogeology: Surficial sediments - shallow aquifers (sand, gravel)
Conservation areas	Myalup State Forest (F 16) is located approximately 60 metres west of the application area.
Climate	Rainfall: 900 mm
	Evapotranspiration: 800 mm
Topography	Between 10-15 m AHD

#### 2. Flora, fauna and ecosystem analysis

With consideration for the site characteristics set out above and relevant datasets (see Appendix E) the following conservation significant flora and fauna species, and ecological communities may be impacted by the clearing.

Species / Ecological Community	Distance of closest record to application area (kilometres)		Suitable habitat features (fauna)	Are surveys adequate to identify? (Y, N, N/A)
Carnaby's cockatoo (Calyptorhynchus latirostris)	Approximately 2.5	471*	Y	N/A
Forest red-tailed black cockatoo (Calyptorhynchus banksii naso)	Approximately 3.1	39	Y	N/A
Baudin's cockatoo (Calyptorhynchus baudinii)	Approximately 3.3	10*	Y	N/A

\* A further 10 records of Calyptorhynchus sp. 'white-tailed black cockatoo' were present within the local area, which could comprise either of these species.

#### 3. Vegetation extent

	Pre-European extent (ha)	Current extent (ha)	% remaining	Current extent in all DBCA managed land (ha)	% current extent in all DBCA managed land (proportion of pre- European extent)
IBRA bioregion					
Swan Coastal Plain	1,501,221.93	579,813.47	38.62	222,916.97	14.85
Vegetation complex					
Bassendean Complex-Central and South	87,476.26	23,508.66*	26.87*	4,377.36	5.00

\*Note: For Bassendean Complex-Central and South, the current extent and % remaining statistics are provisional until remnant vegetation at Keralup is field validated.

# Appendix B – Assessment against the Clearing Principles

Assessment against the Clearing Principles	Variance level	Is further consideration required?				
Environmental value: biological values						
<u>Principle (a):</u> "Native vegetation should not be cleared if it comprises a high level of biodiversity."	Not likely to be at variance	No				
<u>Assessment:</u> The proposed clearing area does not contain regionally or locally significant flora, fauna, habitats, assemblages of plants. Although the application area is mapped within the Banksia Dominated Woodlands of the Swan Coastal Plain IBRA Region Priority 3 Ecological Community, as the application area comprises of marri trees, vegetation within the application area is not representative of this PEC.						
<u>Principle (b):</u> "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."	Not likely to be at variance	Yes: Refer to Section 3.2.1 above.				
Assessment: The proposed clearing area is not likely to contain significant habitat for conservation significant fauna.						
Principle (c): "Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, threatened flora."	Not likely to be at variance	No				
<u>Assessment:</u> The proposed clearing area is unlikely to contain flora species listed under the <i>Biodiversity Conservation Act 2016</i> (BC Act).						
<u>Principle (d):</u> "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."	Not likely to be at variance	No				
<u>Assessment:</u> The proposed clearing area does not contain species indicative of threatened ecological community listed under the BC Act.						
Environmental values: significant remnant vegetation and conservatio	n areas					
<u>Principle (e):</u> "Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared."	Not likely to be at variance	No				
<u>Assessment:</u> The extent of native vegetation in the local area is consistent with the national objectives and targets for biodiversity conservation in Australia. Vegetation in the proposed clearing area is not considered to be part of a significant ecological linkage in the local area.						
<u>Principle (h):</u> "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."	Not likely to be at variance	No				
<u>Assessment:</u> Given the distance to the nearest conservation area an extent of clearing, the proposed clearing is not likely to have an impact on the environmental values of nearby conservation areas.						

Environmental values: land and water resources		
<u>Principle (f):</u> "Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland."	Not likely to be at variance	No
<u>Assessment:</u> No wetlands or waterbodies are likely to be present within the application area and the application area does not contain riparian vegetation.		
Principle (g): "Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation."	Not likely to be at variance	No
<u>Assessment:</u> The mapped soils are highly susceptible to wind erosion, however noting the extent of the proposed clearing, the proposed clearing is not likely to have an appreciable impact on land degradation.		
<u>Principle (i):</u> "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."	Not likely to be at variance	No
Assessment: Given the distance to the nearest surface water body, no Public Drinking Water Sources Areas are recorded within the proposed clearing area and the extent of the clearing, the clearing is unlikely to impact surface or ground water quality.		
<u>Principle (j):</u> "Native vegetation should not be cleared if the clearing of the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding."	Not likely to be at variance	No
<u>Assessment:</u> The mapped soils and topographic contours and extent of the clearing do not indicate the proposed clearing is likely to contribute to increased incidence or intensity of flooding or waterlogging.		

#### Appendix C – Vegetation condition rating scale

Vegetation condition is a rating given to a defined area of vegetation to categorise and rank disturbance related to human activities. The rating refers to the degree of change in the vegetation structure, density and species present in relation to undisturbed vegetation of the same type. The degree of disturbance impacts upon the vegetation's ability to regenerate. Disturbance at a site can be a cumulative effect from a number of interacting disturbance types.

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Condition	Description
Pristine	Pristine or nearly so, no obvious signs of disturbance.
Excellent	Vegetation structure intact, with disturbance affecting individual species; weeds are non-aggressive species.
Very Good	Vegetation structure altered, with obvious signs of disturbance. For example, disturbance to vegetation structure caused by repeated fires, the presence of some more aggressive weeds, dieback, logging and/or grazing.
Good	Vegetation structure significantly altered by very obvious signs of multiple disturbances. Retains basic vegetation structure or ability to regenerate it. For example, disturbance to vegetation structure caused by very frequent fires, the presence of some very aggressive weeds at high density, partial clearing, dieback and/or grazing.
Degraded	Basic vegetation structure severely impacted by disturbance. Scope for regeneration but not to a state approaching good condition without intensive management. For example, disturbance to vegetation structure caused by very frequent fires, the presence of very aggressive weeds, partial clearing, dieback and/or grazing.

The structure of the vegetation is no longer intact and the area is completely or almost completely without native species. These areas are often described as 'parkland cleared' with the flora comprising weed or crop species with isolated native trees or shrubs.

## Appendix D – Photographs of the vegetation (Shire of Waroona, 2020)



![](_page_13_Picture_0.jpeg)

#### Appendix E – References and databases

#### 1. GIS datasets

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

- Aboriginal Heritage Places (DPLH-001)
- Cadastre Address (LGATE-002)
- Contours (DPIRD-073)
- DBCA Lands of Interest (DBCA-012)
- DBCA Legislated Lands and Waters (DBCA-011)
- Directory of Important Wetlands in Australia Western Australia (DBCA-045)
- Environmentally Sensitive Areas (DWER-046)
- Geomorphic Wetlands, Swan Coastal Plain (DBCA-019)
- Groundwater Salinity Statewide (DWER-026)
- Hydrography Inland Waters Waterlines (DWER-031)
- Hydrogeology Statewide
- IBRA Vegetation Statistics
- Imagery
- Local Planning Scheme Zones and Reserves (DPLH-071)
- Native Title (ILUA) (LGATE-067)
- Offsets Register Offsets (DWER-078)
- Pre-European Vegetation Statistics
- Public Drinking Water Source Areas (DWER-033)
- Ramsar Sites (DBCA-010)
- Regional Parks (DBCA-026)
- Remnant Vegetation, All Areas
- RIWI Act, Groundwater Areas (DWER-034)
- RIWI Act, Surface Water Areas and Irrigation Districts (DWER-037)
- Soil Landscape Land Quality Flood Risk (DPIRD-007)
- Soil Landscape Land Quality Phosphorus Export Risk (DPIRD-010)
- Soil Landscape Land Quality Subsurface Acidification Risk (DPIRD-011)
- Soil Landscape Land Quality Water Erosion Risk (DPIRD-013)
- Soil Landscape Land Quality Water Repellence Risk (DPIRD-014)
- Soil Landscape Land Quality Waterlogging Risk (DPIRD-015)
- Soil Landscape Land Quality Wind Erosion Risk (DPIRD-016)
- Soil and Landscape Mapping Best Available

Restricted GIS Databases used:

- ICMS (Incident Complaints Management System) Points and Polygons
- Threatened Flora (TPFL)
- Threatened Flora (WAHerb)
- Threatened Fauna
- Threatened Ecological Communities and Priority Ecological Communities
- Threatened Ecological Communities and Priority Ecological Communities (Buffers)

#### 2. 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 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 8 February 2021).

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- Environmental Protection Authority (EPA). (2019). EPA Technical Report: Carnaby's Cockatoo in Environmental Impact Assessment in the Perth and Peel Region. Advice of the Environmental Protection Authority under Section 16(j) of the Environmental Protection Act 1986.
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- 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
- 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. <u>https://catalogue.data.wa.gov.au/dataset/dbca-statewide-vegetation-statistics</u>
- Keighery, B.J. (1994). Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
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