



Department of  
Environment

4019482

Your ref:

Our ref: 18801

Enquiries: S. McEvoy

Direct tel: 9278 0300

Mr Garry Keffe  
CEO Shire of Northampton  
PO Box 61  
Northampton WA 6535

Dear Mr Keffe

**Re: Permit to Clear Native Vegetation under the *Environmental Protection Act 1986***

Please find enclosed your permit to clear native vegetation granted under s51 of the Environmental Protection Act 1986. This authorisation gives you approval to clear, subject to certain terms, conditions or restrictions. A copy of your permit is now available for the public to view, as required by the regulations.

Read the conditions of your permit carefully. If you do not understand your permit, contact the DoE immediately. There are penalties for failing to comply with all of the conditions.

If you are aggrieved by a decision of the DoE, an appeal may be lodged with the Minister for the Environment. If you choose to appeal, it must be in writing, clearly set out the grounds of your appeal, and be received by the Minister within 28 days. More information on lodging an appeal is available from the Office of the Appeals Convenor on telephone 9221 8711. Completed appeals should be posted or delivered to:

Office of the Appeals Convenor  
13th Floor, Allendale Square  
77 St Georges Terrace, PERTH WA 6000  
Tel: 9221 8711 Fax: 9221 8244  
Email: [mjohnston@dpc.wa.gov.au](mailto:mjohnston@dpc.wa.gov.au) Web: <http://www.appeals.dpc.wa.gov.au>

Third parties may also appeal against the issue of this permit.

**Please note that clearing must not commence until the date stated on the permit or until notified on the outcome of any appeal.**

Compliance with the terms, conditions or restrictions of this permit does not absolve the Permit Holder from responsibility for compliance with the requirements of all Commonwealth and State legislation.

Westralia Square  
Level 8 141 St Georges Terrace  
Perth Western Australia 6000  
PO Box K822 Perth Western Australia 6842  
Telephone (08) 9222 7000 Facsimile (08) 9322 1598  
E-mail [info@environment.wa.gov.au](mailto:info@environment.wa.gov.au)  
[www.environment.wa.gov.au](http://www.environment.wa.gov.au)



Hyatt Centre  
Level 2 3 Plain Street  
East Perth Western Australia 6004  
PO Box 6740 Hay Street East Perth Western Australia 6892  
Telephone (08) 9278 0300 Facsimile (08) 9278 0301  
National Relay Service (Australian  
Communication Exchange) 132 544  
E-mail [info@environment.wa.gov.au](mailto:info@environment.wa.gov.au)  
[www.environment.wa.gov.au](http://www.environment.wa.gov.au)

If you have any queries regarding this decision, please do not hesitate to contact the Department's Mid West Gascoyne Region on 9964 5978.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Naomi Andrews'.

D Carew-Hopkins  
**A/DIRECTOR GENERAL**

10 November 2004



## **CLEARING PERMIT**

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

### **PERMIT DETAILS**

Area Permit Number: 97/2

File Number: 18801

Duration of Permit: From 10 December 2004 to 10 December 2006

### **PERMIT HOLDER**

Shire of Northampton

### **LAND ON WHICH CLEARING IS TO BE DONE**

ROAD RESERVE

### **AUTHORISED ACTIVITY**

1. Clearing of up to 5.4 hectares of native vegetation within the area cross hatched yellow on attached Plan CPS 97/1 (a-c).

### **CONDITIONS**

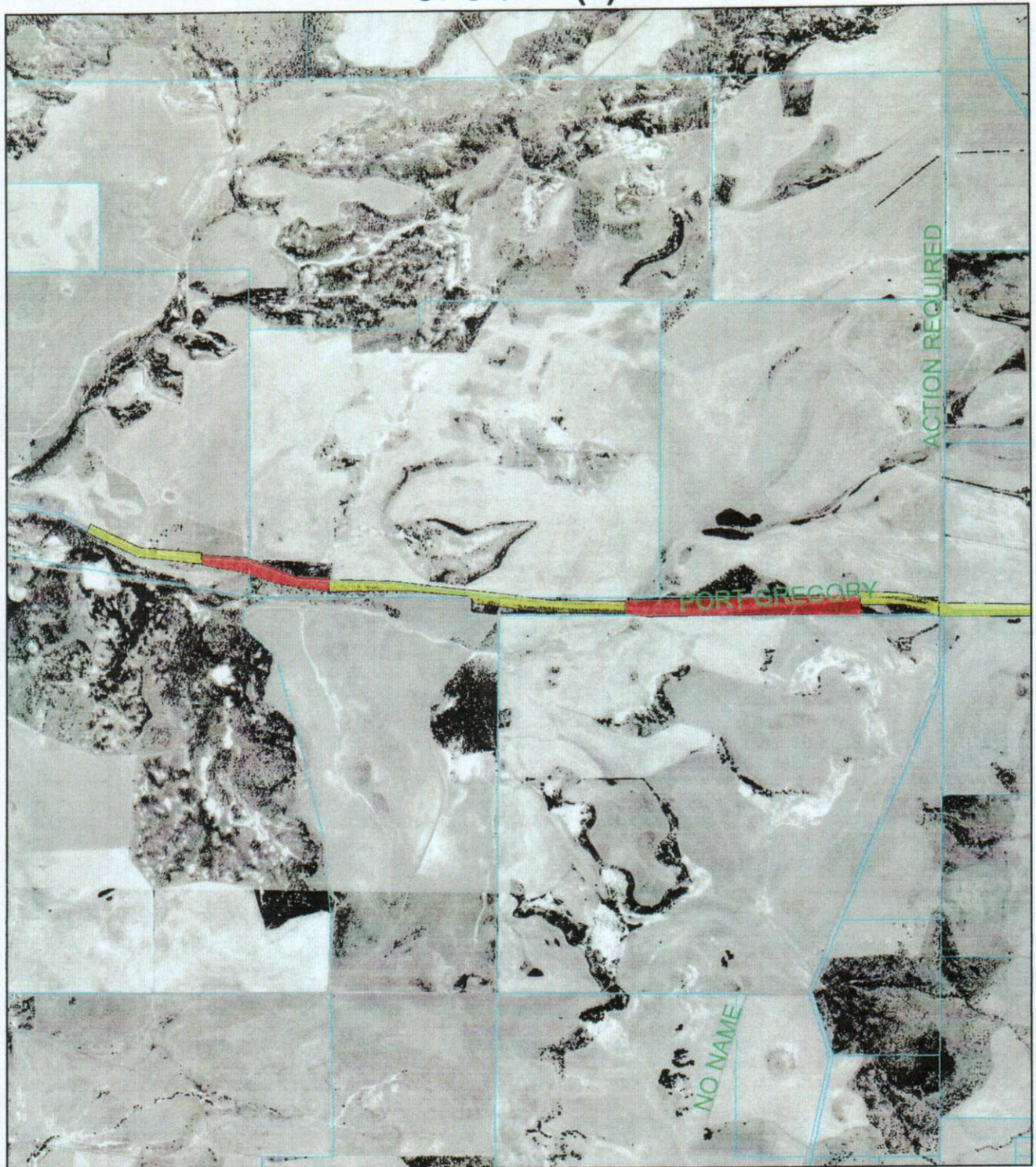
1. The Permit Holder shall not clear any native vegetation within the areas hatched red on attached Plan CPS 97/1 (a)

Derek Carew-Hopkins

Chief Executive Officer, Department of Environment.  
12 November 2004



# CPS 97/1 (a)



## LEGEND

□ Cadastre - DLI 1/09/04  
Road Centrelines - DLI 1/5/04

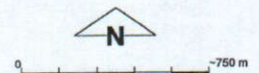
FW  
HY  
LRO  
(cont)

LRS  
MR  
N  
TR

Geraldton Yalgoo 1.4m  
Orthomosaic - DOLA 00

### Clearing Instruments

■ Areas Subject to Conditions  
■ Areas Approved to Clear



Scale 1:29399  
(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

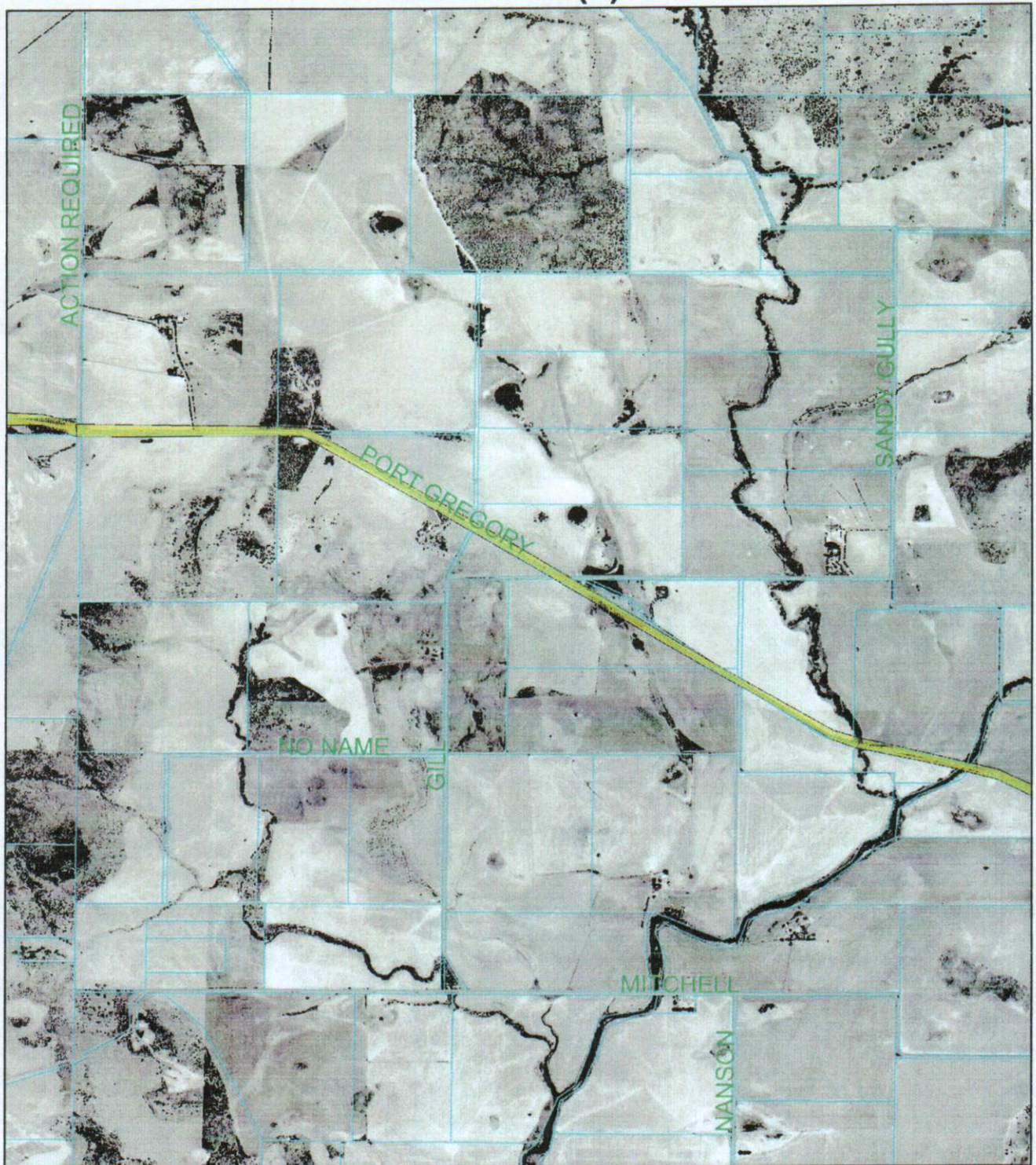
*He with* Date 12/10/04

Information derived from this map should be confirmed with the data custodian acknowledged by the agency acronym in the legend.





# CPS 97/1 (b)



## LEGEND

□ Cadastre - DLI 1/09/04  
 Road Centrelines - DLI 1/5/04

FW  
 HY  
 LRO  
 (cont)

MR  
 N  
 TR

Geraldton Yalgoo 1.4m  
 Orthomosaic - DOLA 00

### Clearing Instruments

■ Areas Subject to Conditions  
 ■ Areas Approved to Clear



0 750 m

Scale 1:31511

(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

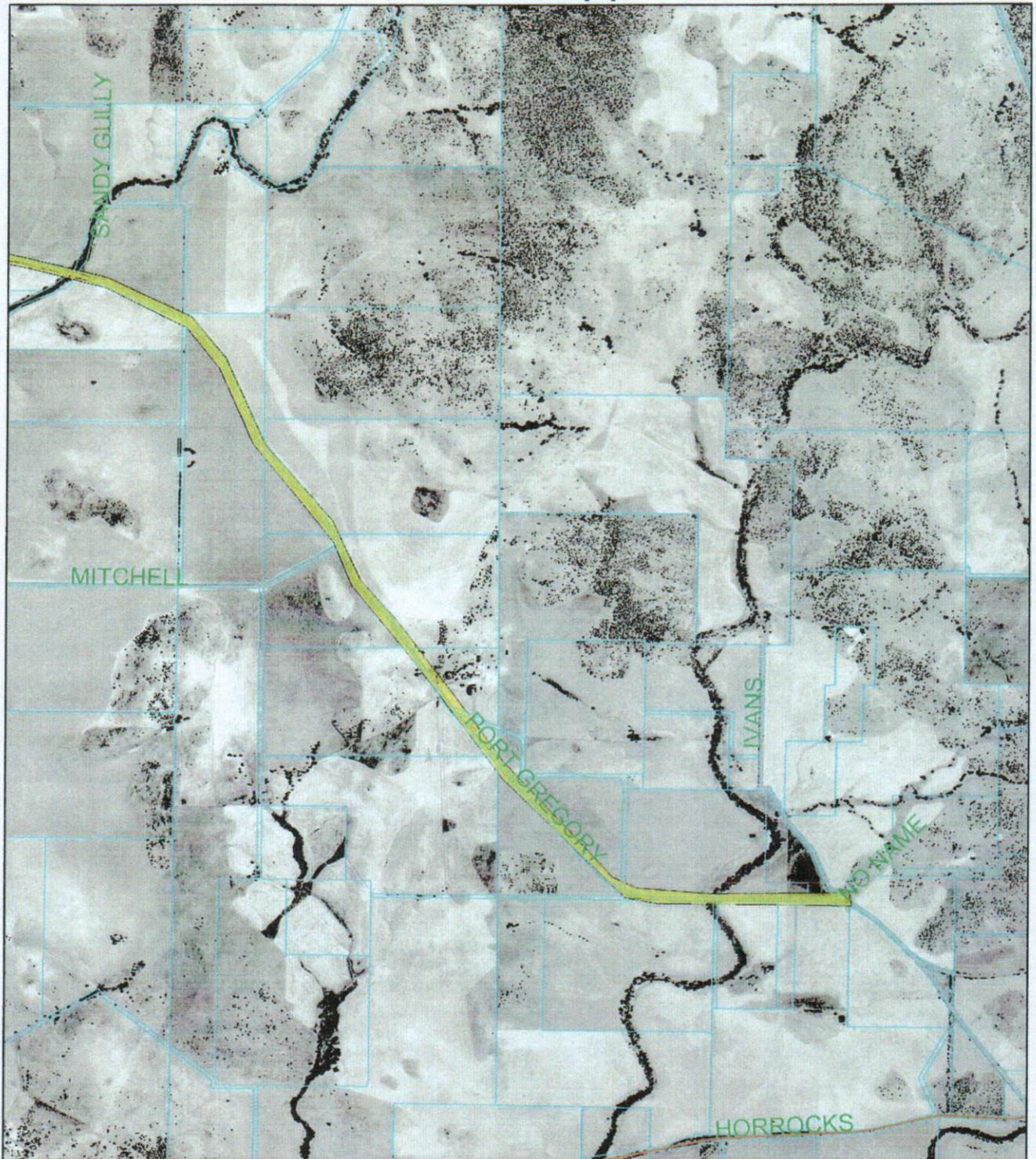
*John H. i* Date 12/14/04

Information derived from this map should be confirmed with the data custodian acknowledged by the agency acronym in the legend.





# CPS 97/1 (c)



## LEGEND

□ Cadastre - DLI 1/09/04  
 Road Centrelines - DLI 1/5/04

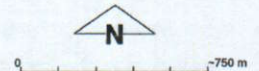
FW  
 HY  
 LRO  
 (cont)

LRS  
 MR  
 N  
 TR

Geraldton Yalgoo 1.4m  
 Orthomosaic - DOLA 00

### Clearing Instruments

■ Areas Subject to Conditions  
 ■ Areas Approved to Clear



Scale 1:29395  
 (Approximate when reproduced at A4)

Geocentric Datum Australia 1994

Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

*Deuthi* Date 12/10/04

Information derived from this map should be confirmed with the data custodian acknowledged by the agency acronym in the legend.







## 1. Application details

### 1.1. Permit application details

Permit application No.: 97/2  
Permit type: Area Permit

### 1.2. Proponent details

Proponent's name: MR Garry Keeffe CEO Shire of Northampton  
Postal address: Po Box 61 Northampton WA 6535  
Contacts: Phone: 99341202  
Fax:  
E-mail:

### 1.3. Property details

Property: ROAD RESERVE  
Colloquial name: Port Gregory Road

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
6 (original proposal)		Mechanical Removal	Road construction or maintenance
5.4 (amended proposal)		Mechanical Removal	Road construction or maintenance

## 2. Site information

### 2.1. Existing environment and information

#### 2.1.1. Description of the native vegetation under application

Vegetation Description	Clearing Description	Vegetation Condition	Comment
Beard 35: Shrublands; jam scattered with York gum Beard 408: Shrublands; scrub-heath on coastal association, yellow sandplain Beard 675: Shrublands; mixed thicket (melaleuca & hakea)	<p>The area under application is along the Port Gregory Road between the Horrocks Road turn off to ~3km north west of the Swamps road intersection.</p> <p>Vegetation affected includes <i>Acacia blakelyi</i>, <i>A. acuminata</i>, <i>A. rostellifera</i>, <i>A. tetragonophylla</i>, <i>Calothamnus quadrifidus</i>, <i>Grevillea pinaster</i>, <i>G. leucopeteris</i>, <i>Adenanthos cygnorum</i>, <i>Hakea recurva</i>, <i>Dryandra sessilis</i> and <i>Dampiera</i> sp. The disturbed roadside vegetation has been invaded by Wild Oats, Radish, African Lovegrass, Patterson's Curse and Capeweed (DAWA, 2004).</p> <p>The original area under application also includes four DRF populations. Populations 1 and 7 include <i>Caladenia elegans</i>; population 2 includes <i>Pterostylis</i> sp. Northampton and population 3 includes <i>Caladenia hoffmanii</i> subsp. <i>hoffmanii</i>. If the original proposal were to be approved, 8 individual <i>Caladenia elegans</i> plants would be taken and the habitat and buffer of the remaining species would be reduced.</p>	Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery 1994)	Observed during site visit: The majority of the vegetation remaining in the road reserve has been altered to facilitate road construction. The <i>Acacia</i> species present are subject to pruning as part of the road maintenance schedule and are surrounded by common roadside weeds. The DRF are located in a small portion of a 3km long road reserve.

## 3. Assessment of application against Clearing Principles

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

Comments Proposal is not at variance to this Principle

Original proposal - DRF exist in a small portion of the entire proposal for vegetation clearing. The remainder of the road reserve is dominated by regrowth *Acacia* species and common road side weeds. A secondary assessment is recommended to determine the extent of biodiversity in the areas containing DRF.

Amended proposal - submitted by Shire on 9 November is not considered to be at variance with this Principle as all DRF sites now excluded.

Methodology Site visit.

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

**Comments**      **Proposal is not likely to be at variance to this Principle**

CALM (2004) reports:

'the Tammar Wallaby (*Macropus eugenii derbianus*) is known to occur in the local area (based on CALM's Threatened and Priority Fauna Database). The Shield-backed Trapdoor Spider (*Idiosoma nigrum* - S1), the Bush Stonecurlew (*Burhinus grallarius* - Priority 4) and the Peregrine Falcon (*Falco peregrinus* - S4) are fauna likely to occur.

Amended proposal - given the degraded nature of the vegetation along the road (excluding the DRF sites), there is a low probability that proposed clearing to be at variance with this Principle.

**Methodology**      GIS database: Threatened and Priority Fauna Database - CALM [The comprehensiveness of the database is dependent on the amount of survey carried out in the area and does not necessarily represent a comprehensive listing; CALM 2004].

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

**Comments**      **Proposal is not at variance to this Principle**

Original proposal -

CALM (2004) reports:

'Sections of the proposed road works are within an environmentally sensitive area. The proposed widening may directly (removal) or indirectly (removal of a vegetation buffer around the DRF species habitat) impact on DRF flora populations.

This proposal will directly impact on four DRF populations that are known from the Port Gregory's road verges and are within the areas proposed to be cleared. These populations include:

Caladenia elegans - population no. 1 & population no. 7

Pterostylis sp. Northampton - population no. 2

Caladenia hoffmanii subsp. hoffmanii - population no. 3

It is estimated that 10% or 8 individual Caladenia elegans plants will be taken at population no. 1 site during the proposed widening of the road. And although no actual plants will be taken from the remaining 3 populations of DRF flora, the proposed clearing will reduce the available habitat and the vegetation buffer to these population sites, and hence make them susceptible to degradation and thus affecting their long term viability.

Clearing to the specified width will also take some Pterostylis sp. Northampton and provide no buffer between the road and the remaining portion of the population.

Any operation that impacts on the DRF sites requires Ministerial approval to take DRF.

The clearing has the potential to impact on additional Declared Rare and Priority flora and CALM advises a spring flora survey prior to any clearing being authorised.'

Amended proposal - submitted by the Shire of Northampton on 9 November 2004 now avoids all DRF, and proposal is now considered to be not at variance with this Principle.

**Methodology**      GIS databases:  
- Declared Rare and Priority Flora List - CALM 13/08/03.  
- Threatened Flora Data Management System - CALM (CALM 2004) [The comprehensiveness of the database is dependent on the amount of survey carried out in the area and does not necessarily represent a current listing. The determination of the presence of rare or priority flora can only be made through appropriate flora survey; CALM 2004].  
- Herbarium Specimen Collection Database - CALM (CALM 2004).

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

**Comments**      **Proposal is not at variance to this Principle**

Amended proposal - submitted by Shire of Northampton on 9 November 2004 excludes the DRF and vegetated areas, leaving only disturbed vegetation. On this basis, the proposal is not considered to be at variance with this Principle.

**Methodology**      Site visit.



GIS databases:

- Threatened Ecological Community Database - CALM 15/07/03 [Data supplied does not necessarily represent a comprehensive listing of threatened ecological communities in the area in question. The comprehensiveness is dependent on the amount of survey carried out. The database is subject to updates and amendments] (CALM 2004).

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

**Comments** **Proposal is not likely to be at variance to this Principle**

The vegetation under application is part of Beard vegetation association 35, 408 and 675. There is less than 30% of associations 35 and 675 remaining (Shepherd et al. 2001). In addition, the Geraldton Sandplains and the Shire of Northampton have less than 30% of native vegetation remaining within the intensive agricultural area. The State Government is committed to the National Objectives Targets for Biodiversity Conservation 2001-2005 which include a target that prevents clearance of ecological communities with an extent below 30% of that present pre-1750 (Department of Natural Resources and Environment, 2002; EPA, 2000).

Amended proposal - the Shire of Northampton excluded areas of intact vegetation, and the proposal now only addresses areas that are largely comprised of weeds and regrowth acacias. Given the condition of the vegetation, and the small area disturbed, the proposal is not likely to be at variance with this Principle.

	Pre-European area (ha)	Current extent (ha)	Remaining %*	Conservation status**	Reserves/CALM- managed land, %
IBRA Bioregion -					
Geraldton Sandplains	2,474,401***	663,290***	26.8	Vulnerable	
Shire - Northampton	1,354,323	83,759	19.6	Vulnerable	
Beard veg type - 35	213,685	21,972	10.3	Vulnerable	2.3
Beard veg type - 408	382,507	154,708	40.4	Depleted	62.6
Beard veg type - 675	59,708	12,985	21.7	Vulnerable	3

\* Shepherd et al. (2001)

\*\* Department of Natural Resources and Environment (2002)

\*\*\* Area within the Intensive Landuse Zone.

**Methodology** Shepherd et al. (2001).  
GIS database: Pre-European Vegetation - DA 01/01.

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

**Comments** **Proposal is not at variance to this Principle**

The area under application is in the Bowes River catchment in the Greenough River basin. There is no restriction on clearing in this catchment.

There are 2 perennial watercourses surrounded by predominantly broad acre farming. The road is constructed at an angle perpendicular to the watercourses so no additional riparian vegetation would be removed. Culverts have been used to facilitate the natural flow of water underneath the road.

**Methodology** Site visit.  
GIS database: Hydrography, linear - DOE 01/02/04.

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

**Comments** **Proposal is not at variance to this Principle**

DAWA (2004) reports: Water erosion will be a consideration in some areas where slopes are steep and soils hard setting. The normal process of road construction would account for any erosion problems.

**Methodology** DAWA (2004).

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

**Comments** **Proposal is not at variance to this Principle**

Original proposal - CALM (2004) reports: The proposed widening of the Port Gregory Road will contribute to the

removal of the only remaining native vegetation within the road reserve. The habitat of *Pterostylis* sp. Northampton (Winter Wet Heath) is almost totally cleared in the Northampton area with just a few, mainly roadside and private property examples left.

Only 3 and 2.3% of Beard vegetation types 675 and 35 are protected in secure tenure. The benchmark of 15% representation in conservation reserves (JANIS Forests Criteria 1997) has not been met for these vegetation complexes.

Amended proposal - submitted on 9 November 2004 by the Shire of Northampton does not contain areas of intact vegetation. These have been excluded from the proposal along with DRF communities. Therefore, the proposal is not at variance with this Principle.

**Methodology** CALM (2004).  
GIS database: Pre-European Vegetation - DA 01/01; and Shepherd et al. (2001).

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

**Comments** Proposal is not at variance to this Principle

Part of the proposed clearing is in the gazetted Northampton Water Reserve PDWSA Policy area. The removal of vegetation will not reduce the quality of surface or underground water in this gazetted area as the nearest well head is 1.265 kilometres away. This distance provides an adequate buffer for the well head protection zone.

**Methodology** GIS databases:  
- Public Drinking Water Source Areas (PDWSAs) - DoE 01/06/04.  
- Hydrography, points - DoE 01/02/04.

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

**Comments** Proposal is not at variance to this Principle

Flooding impacts unlikely to occur as a result of the proposed clearing due to its scale.

**Methodology** Site visit.

**(k) Planning Instrument or other matter.**

**Comments** No comment made

**Methodology**

#### 4. Assessor's recommendations

Purpose	Method	Applied area (ha)/ trees	Decision	Comment / recommendation
Road construction or maintenance	Mechanical Removal	6	<b>Refuse</b>	Original proposal - Although the majority of the area under application (totalling some 15km along the Port Gregory Road) would not contravene the Environmental Protection Act Clearing Principles, clearing of the western 4km of the road would directly impact on four Declared Rare and Priority Flora populations.  In these environmentally sensitive areas the proposal is seriously at variance to Principle (c) and CALM have refused an Application for Approval to Take Declared and Rare Flora. The proposal is also at variance to Principles (b), (e) and (h) and may be at variance to Principles (a) and (d), the latter two requiring secondary assessment.
Road construction or maintenance	Mechanical Removal	5.4	<b>Grant</b>	Diversion of the road around these environmentally sensitive areas and close liaison with the CALM Midwest Office prior to any future roadworks in this area being undertaken is recommended. Amended proposal - As a result of negotiations with the DoE and CALM, the Shire of Northampton submitted a variation on the proposal which avoids areas of DRF. The proposal is now considered to be acceptable as it is not at variance with any Clearing Principles.



## 5. References

- CALM (2004) Land clearing proposal advice. Department of Conservation and Land Management Advice to A/Director General, Department of Environment (DoE). Department of Conservation and Land Management, Western Australia. DoE TRIM ref CEO1333/04.
- DAWA (2004) Land degradation assessment report. Office of the Commissioner of Soil and Land Conservation, Department of Agriculture Western Australia. DoE TRIM ref HD17886, CEO1079/04.
- Department of Natural Resources and Environment (2002) Biodiversity Action Planning. Action planning for native biodiversity at multiple scales; catchment bioregional, landscape, local. Department of Natural Resources and Environment, Victoria.
- Hopkins, A.J.M., Beeston, G.R. and Harvey J.M. (2001) A database on the vegetation of Western Australia. Stage 1. CALMScience after J. S. Beard, late 1960's to early 1980's Vegetation Survey of Western Australia, UWA Press.
- JANIS Forests Criteria (1997) Nationally agreed criteria for the establishment of a comprehensive, Adequate and Representative reserve System for Forests in Australia. A report by the Joint ANZECC/MCFFA National Forest Policy Statement Implementation Sub-committee. Regional Forests Agreement process. Commonwealth of Australia, Canberra.
- Keighery, BJ (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Shepherd, D.P., Beeston, G.R. and Hopkins, A.J.M. (2001) Native Vegetation in Western Australia, Extent, Type and Status. Resource Management Technical Report 249. Department of Agriculture, Western Australia.