Government of Western Australia
Department of Water and Environmental Regulation

Clearing Permit Decision Report

1 Application details and outcome

1.1. Permit application details

Permit number:	CPS 10354/1
Permit type:	Purpose permit
Applicant name:	Shane Smith
Application received:	13 September 2023
Application area:	19 native trees and shrubs
Purpose of clearing:	Overhead powerline installation
Method of clearing:	Cutting
Property:	Lot 11 on Plan 17893 Lot 1206 on Deposited Plan 246996 Northam-Pithara Road Reserve (PIN 11535299)
Location (LGA area/s):	Shire of Northam
Localities (suburb/s):	Irishtown and Jennapullin

1.2. Description of clearing activities

The vegetation proposed to be cleared is contained within two adjoining roadside areas along Northam-Pithara Road in Jennapullin (see Figure 1, Section 1.5). The application is to selectively clear 19 native trees and shrubs to facilitate overhead power line installation.

1.3. Decision on application

Decision:	Granted
Decision date:	31 October 2023
Decision area:	19 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 making this decision, the Delegated Officer had regard for the site characteristics (see Appendix B), relevant datasets (see Appendix F.1), the clearing principles set out in Schedule 5 of the EP Act (see Appendix C), relevant planning instruments and any other matters considered relevant to the assessment (see Section 3).

The assessment identified that the proposed clearing will result in:

- the loss of native vegetation that is significant as a remnant of native vegetation in an area that has been extensively cleared (retaining 7.22 per cent vegetation coverage),
- potential impacts to fauna present at the time of clearing, and

- the potential introduction and spread of weeds and dieback into adjacent vegetation, which could impact on the quality of the adjacent vegetation and its habitat values.

After consideration of the available information, as well as the applicant's minimisation and mitigation measures (see Section 3.1), the Delegated Officer determined that the impacts of the proposed clearing, including impacts to fauna present at the time of clearing and the potential to facilitate the introduction of weeds and dieback, can be minimised and managed to unlikely lead to an unacceptable risk to environmental values. The Delegated Officer determined that the planting of 24 native trees and shrubs within the adjacent road reserve was sufficient to counterbalance the significant residual impacts to clearing within an extensively cleared landscape (see Section 3.1).

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

- avoid, minimise to reduce the impacts and extent of clearing,
- plant and maintain a minimum of 24 native trees and shrubs (of which seven trees must be *Eucalyptus loxophleba)* within the Northam-Pithara Road reserve, as mitigation measure for the clearing of 19 native trees and shrubs that are a significant remnant within an area that has been extensively cleared
- take hygiene steps to minimise the risk of the introduction and spread of weeds and dieback, and
- undertake slow, progressive one directional clearing to allow any present terrestrial fauna to move into adjacent habitat ahead of the clearing activity.

1.5. Site map

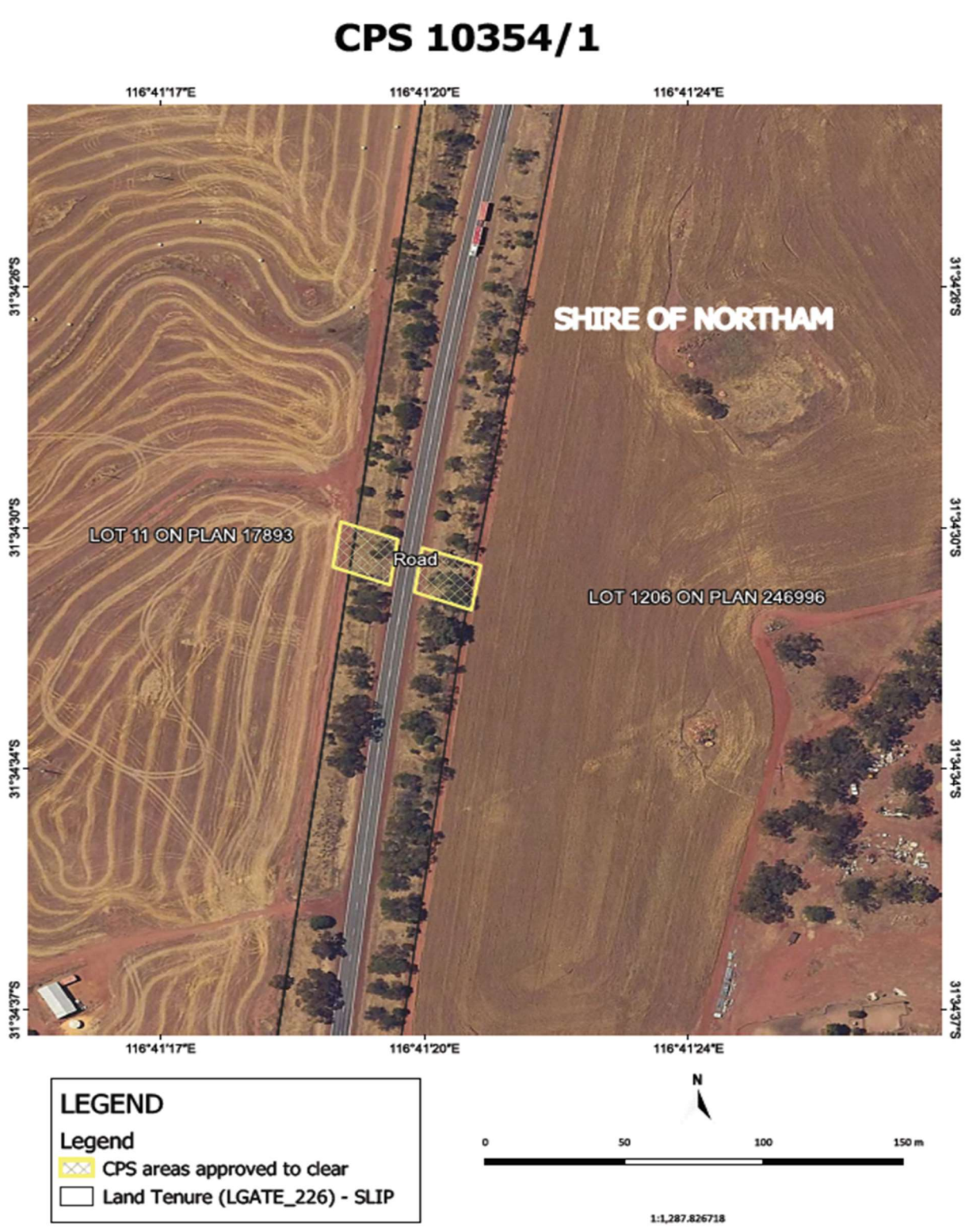


Figure 1 Map of the application area

The areas crosshatched yellow indicate the areas authorised to be cleared under the granted clearing permit.

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 51O of the EP Act (see Section 1.4), the Delegated Officer has also had regard to the objects and principles under section 4A of the EP Act, particularly:

- the precautionary principle
- the principle of intergenerational equity
- the principle of the conservation of biological diversity and ecological integrity.

Other legislation of relevance for this assessment include:

- *Biodiversity Conservation Act 2016* (WA) (BC Act)
- *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act)

Relevant policies considered during the assessment include:

- *Environmental Offsets Policy* (2011)

The key guidance documents which inform this assessment are:

- *A guide to the assessment of applications to clear native vegetation* (DER, December 2013)
- *Procedure: Native vegetation clearing permits* (DWER, October 2019)
- *Environmental Offsets Guidelines* (August 2014)

3 Detailed assessment of application

3.1. Avoidance and mitigation measures

Evidence was submitted by the applicant, demonstrating that the designated area was chosen and suggested by Western Power to minimise unnecessary clearing of the roadside vegetation. Only the obstructing native trees and shrubs will be cut individually by hand (Smith, 2023).

After consideration of the avoidance and mitigation measures provided, it was determined that further avoidance and/or mitigation measures were required to counterbalance the significant residual impacts to clearing within an extensively cleared landscape. To mitigate the loss of vegetation, the applicant has committed to the undertaking revegetation within the adjacent Northam-Pithara Road reserve.

An assessment of the revegetation required was undertaken using the WA Environmental Offset Metric and having consideration for the Environmental Offset Policy (2011) and the Environmental Offset Guidelines (2014). DWER have identified that the planting and maintaining of 24 native trees and shrubs (of which seven must be *Eucalyptus loxophleba)* would be required to ensure a significant residual impact to remnant vegetation in the local area does not remain after the proposed clearing. The applicant has agreed to the planting of 24 native trees and shrubs within the Northam-Pithara Road reserve to reduce the significant residual impacts of the clearing.

Considering the above, the Delegated Officer was satisfied that the applicant has made a reasonable effort to avoid and minimise the potential impacts of the proposed clearing on environmental values.

3.2. Assessment of impacts on environmental values

In assessing the application, the Delegated Officer has had regard for the site characteristics (see Appendix B) and the extent to which the impacts of the proposed clearing present a risk to biological, conservation, or land and water resource values.

The assessment against the clearing principles (see Appendix C) identified that the impacts of the proposed clearing present a risk to significant remnant vegetation. The consideration of these impacts, and the extent to which they can be managed through conditions applied in line with sections 51H and 51I of the EP Act, is set out below.

3.2.1. Significant remnant vegetation - Clearing Principle (e)

Assessment
The national objectives and targets for biodiversity conservation in Australia has a target to prevent clearance of ecological communities with an extent below 30 per cent of that present pre-1750, below which species loss appears to accelerate exponentially at an ecosystem level (Commonwealth of Australia, 2001).

The application area is located within the Avon Wheatbelt IBRA bioregion which retains approximately 18.51 per cent of its pre-European vegetation extent (Government of Western Australia, 2019). The application area is mapped within Beard vegetation association 352 which has an extent lower than the 30 per cent threshold, either statewide or within the Avon Wheatbelt IBRA bioregion (see Appendix B.2). The vegetation extent in the local area also falls below the national targets, with approximately 7.22 per cent of pre-European vegetation extent remaining within a 10-kilometre radius of the application area. Given the above, the application area is considered to be a remnant within an extensively cleared landscape.

The application area along the Northam-Pithara Road has the potential to facilitate the spread of weeds and dieback into other significant remnant vegetation in the local area. A weed management condition is considered to minimise this risk, and it is not considered likely that the proposed clearing will have a significant impact of environmental values of any adjacent remnant vegetation patches.

Ecological Linkage
The application area includes 19 trees and shrubs which is approximately 0.0237 hectares of remnant vegetation that form north-south linear linkages along North-Pithara Road. Given the extensively cleared local area, it is likely that the application area is providing dispersal habitat between larger remnants in the local area. It is considered that the clearing of remnant vegetation can be managed by planting and maintaining trees and shrubs within the adjacent road reserve to prevent further loss of vegetation in the local area and maintain ecological linkage functions. Noting the ecological linkage function of the Northam-Pithara Road reserve, fauna may be present at the time clearing as they move through the landscape. Slow, directional clearing to allow fauna to move into adjacent native vegetation will minimise impact to fauna.

Conclusion
Based on the above assessment, the proposed clearing will result in the loss of 19 native trees and shrubs that is significant as a remnant of native vegetation in an area that has been extensively cleared. Impacts to the adjacent native vegetation and fauna that may be utilising the application area at the time of clearing can be managed through conditions imposed on the permit.

The mitigation measures provided by the applicant, including re-planting native vegetation within the adjacent Northam-Pithara Road reserve, is considered to minimise the potential impacts of the proposed clearing on remnant vegetation. A significant residual impact does not remain following the mitigation revegetation.

Conditions
To address the above impacts, the following management measures will be required as conditions on the clearing permit:

- Plant and ensure the long-term survival of 24 native trees and shrubs (of which seven must be *Eucalyptus loxophleba)* within the Northam-Pithara Road reserve using locally provenanced material,
- Weed and dieback management activities, and
- undertake slow, progressive one directional clearing to allow any present terrestrial fauna to move into adjacent habitat ahead of the clearing activity.

3.3. Relevant planning instruments and other matters

The Shire of Northam (the Shire) advised DWER that local government approvals are required, and that the proposed clearing is consistent with the Shire's Local Planning Framework. The Shire did not have any objections to the proposed clearing and granted development approval (ref: P20111) (Shire of Northam, 2023).

Several Aboriginal sites of significance have been mapped within the local area. It is the permit holder's responsibility to comply with relevant legislation and ensure that no Aboriginal Sites of Significance are damaged through the clearing process.

End

Appendix A. Additional information provided by applicant

Summary of comments	Consideration of comment
On the 10 October 2023, the applicant provided a response to the formal request for information issued by DWER. This included further information regarding species of the native trees proposed to be cleared and confirmation from Main Roads for mitigation planting inside the Northam-Pithara Road reserve.	See section 3 for mitigation planting. See Appendix B and E for species being impacted by the proposed clearing.

Appendix B. Site characteristics

B.1. 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 C.

Characteristic	Details
Local context	The area proposed to be cleared comprises of two roadside patches of remnant native vegetation containing 19 shrubs and trees in the intensive land use zone of Western Australia. It is surrounded by agricultural land and occasional patches of intact remnant native vegetation within an extensively cleared landscape. Spatial data indicates the local area (10-kilometre radius from the centre of the areas proposed to be cleared) retains approximately 7.22 per cent of the original native vegetation cover.
Ecological linkage	The application area does not intersect any formally mapped linkages. Although, given the extensively cleared local area, it is likely that the application area is contributing to the ecological function of roadside linkages.
Conservation areas	No conservation areas are mapped within the application area. The closest conservation area is the Cartamulligan Well Nature Reserve which is located 10.6 kilometres northeast of the application area.
Vegetation description	Photographs supplied by the applicant indicate the vegetation within the proposed clearing area consists of remnant roadside vegetation featuring *Acacia* and *Eucalyptus* species (Smith, 2023). Representative photos are available in Appendix E. This is consistent with the mapped vegetation type: • York_352, which is described as York gum, salmon gum etc. *Eucalyptus loxophleba*, *Eucalyptus salmonophloia* within the wheatbelt (Shepherd et al, 2001). The mapped vegetation type retains approximately 10.44 per cent of the original extent (Government of Western Australia, 2019).
Vegetation condition	Photographs supplied by the applicant indicate the vegetation within the proposed clearing area is in a degraded to completely degraded (Keighery, 1994) condition. The full Keighery (1994) condition rating scale is provided in Appendix D. Representative photos are available in Appendix E.
Climate and landform	The region experiences a Mediterranean climate with cool winters and hot summers with a mean annual rainfall of 400 millilitres.
Soil description	The soil within the application area is mapped as: • Jelcobine York Subsystem (256JcYO) which is described as areas of soils derived from freshly exposed rock. The unit is typified by the red soils of the

Characteristic	Details
	Avon Valley but also includes areas of similar, but often greyer and lighter textured soils to the east of the valley.
Land degradation risk	• Water Erosion: 91% of the map unit has a nil to moderate water erosion risk, • Wind Erosion: 90% of the map unit has a high to very high wind erosion risk, • Salinity: 99% of the map unit has a slight to nil salinity risk or is presently saline • Flood: 98% of the map unit has a very low flood risk, • Waterlogging: 98% of the map unit has a nil to low waterlogging risk, • Subsurface Acidification: 39% of the map unit is presently acidic, • Phosphorus Export: 92% of the map unit has a low to moderate phosphorus export risk.
Waterbodies and Hydrogeography	The desktop assessment and aerial imagery indicated that no wetlands or waterbodies transect the application area. The closest waterbody to the application area is a non-perennial branch of the Mortlock River which is located 3.5 kilometres west of the application area. The application area does not transect any water resources proclaimed under either the *Rights in Water and Irrigation Act 1914* (RIWI Act), *Metropolitan Water Supply Sewerage and Drainage Act 1909, or Country Areas Water Supply Act 1947* (CAWS Act). Groundwater salinity within the application area is mapped at 14000-35000 milligrams per total dissolved solids.
Flora	The desktop assessment identified that a total of 15 conservation significant flora species have been recorded within the local area, comprising of five threatened species, one priority 1 species, six priority 2 species, six priority 3 species and three priority 4 species (Western Australian Herbarium, 1998-). None of these existing records occur within the application area, with the closest being an occurrence of *Levenhookia pulcherrima* located 6.7 kilometres from the application area. With consideration for the site characteristics set out above, relevant datasets (see Appendix F.1), the habitat preferences, the distribution and extent of existing records, the application area is unlikely to provide significant habitat for threatened or priority flora species. The understorey is dominated by introduced agriculture species is not likely to provide habitat for threatened or priority flora.
Ecological communities	The desktop assessment identified that there are 338 records of the threatened ecological community (TEC) 'Eucalypt woodlands of the Western Australian Wheatbelt' scattered within the local area. The closest TEC is mapped on the Northam-Pithara Road, approximately 50 metres north of the application area. The application area is not representative of this community due to the species present.
Fauna	The desktop assessment identified that a total of 11 conservation significant fauna species have been recorded within the local area, comprising of two endangered species, three vulnerable species, one priority 2 species, one priority 3 species, one priority 4 species and three migratory species (DBCA, 2007-). None of these existing records occur within the application area, with the closest record being an occurrence of a Mortlock River shield-backed trapdoor spider approximately 1.6 kilometres from the application area. With consideration for the site characteristics set out above, relevant datasets (see Appendix F.1) and the habitat preferences of the aforementioned species, the application area is unlikely to provide permanent suitable habitat for conservation significant fauna species.

B.2. Vegetation extent

	Pre-European extent (ha)	Current extent (ha)	Extent remaining (%)	Current extent in all DBCA managed land (ha)	Current proportion (%) of pre-European extent in all DBCA managed land
IBRA bioregion*					
Avon Wheatbelt	9517109.95	1761187.42	18.51	174980.68	1.84
Vegetation complex					
York 352*	236820.57	24715.67	10.44	372.42	0.16
Local area					
10km radius	31561.84	2280.5	7.22	-	-

*Government of Western Australia (2019a)

B.3. Ecological community analysis table

Community name	Conservation status	Suitable habitat features? [Y/N]	Suitable vegetation type? [Y/N]	Suitable soil type? [Y/N]	Distance of closest record to application area (km)	Number of known records (total)	Are surveys adequate to identify? [Y, N, N/A]
Eucalypt Woodlands of the Western Australian Wheatbelt	P3	N	N	Y	0.5	338	NA

T: threatened, CR: critically endangered, EN: endangered, VU: vulnerable, P: priority

Appendix C. Assessment against the clearing principles

Assessment against the clearing principles	Variance level	Is further consideration required?
Environmental value: biological values		
Principle (a): *"Native vegetation should not be cleared if it comprises a high level of biodiversity."* Assessment: The area proposed to be cleared does not contain locally or regionally significant flora, fauna, habitats or assemblages of plants. The completely degraded roadside vegetation is not likely to contain a high level of biodiversity.	Not likely to be at variance	No
Principle (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."* Assessment: The area proposed to be cleared does not contain significant habitat for conservation significant fauna.	Not likely to be at variance	No
Principle (c): *"Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, threatened flora."* Assessment: The area proposed to be cleared consists of roadside remnant vegetation in a degraded to completely degraded condition (Keighery, 1994) and is unlikely to contain habitat for threatened flora.	Not likely to be at variance	No
Principle (d): *"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."* Assessment: The area proposed to be cleared does not contain an assemblage of plants that represent a TEC.	Not likely to be at variance	No
Environmental value: significant remnant vegetation and conservation areas		
Principle (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."* Assessment: The extent of the mapped vegetation type in the local area is inconsistent with the national objectives and targets for biodiversity conservation in Australia. The vegetation proposed to be cleared is likely to be providing ecological linkage values in the local area.	At variance	Yes *Refer to Section 3.2.1, above.*
Principle (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."* Assessment: Given the distance to the nearest conservation area, the proposed clearing is not likely to have an impact on the environmental values of nearby conservation areas.	Not at variance	No
Environmental value: land and water resources		
Principle (f): *"Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland."* Assessment: Given no water courses or wetlands are recorded within the application area, the proposed clearing is not within an environment associated with a watercourse or wetland.	Not at variance	No

Assessment against the clearing principles	Variance level	Is further consideration required?
Principle (g): *"Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation."* Assessment: The mapped soils are moderately susceptible to subsurface acidification and wind erosion. Noting the extent of the application area and the condition of the vegetation, the proposed clearing is not likely to have an appreciable impact on land degradation.	Not likely to be at variance	No
Principle (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."* Assessment: Given no water courses or wetlands are recorded within the application area, the proposed clearing is unlikely to impact surface or ground water quality.	Not at variance	No
Principle (j): *"Native vegetation should not be cleared if the clearing of the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding."* Assessment: The mapped soils and topographic contours in the surrounding area do not indicate the proposed clearing is likely to contribute to increased incidence or intensity of flooding. Given no water courses or wetlands are recorded within the application area, the proposed clearing is unlikely to contribute to waterlogging.	Not at variance	No

Appendix D. 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.

Considering its location, the scale below was used to measure the condition of the vegetation proposed to be cleared. This scale has been extracted from

Keighery, B.J. (1994) *Bushland Plant Survey: A Guide to Plant Community Survey for the Community*. Wildflower Society of WA (Inc). Nedlands, Western Australia.

Measuring vegetation condition for the South West and Interzone Botanical Province (Keighery, 1994)

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.

Condition	Description
Completely degraded	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 E. Photographs of the vegetation



Figure 2. Trees and shrubs proposed to be cleared along Northam-Pithara Road (Smith, 2023)



Figure 3. Trees and shrubs proposed to be cleared along Northam-Pithara Road (Smith, 2023)

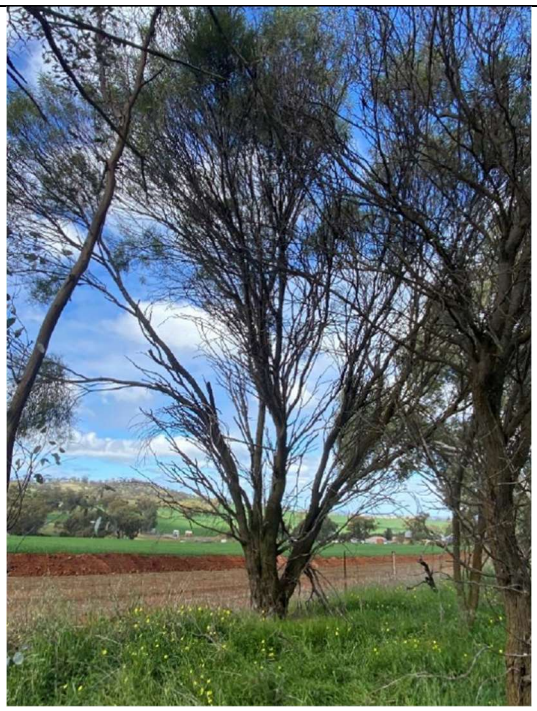


Figure 4. *Acacia acuminata* proposed to be cleared (Smith, 2023)



Figure 5. *Acacia acuminata* proposed to be cleared (Smith, 2023)



Figure 6. *Eucalyptus sp*. proposed to be cleared (Smith, 2023)



Figure 7. *Eucalyptus loxophleba* proposed to be cleared (Smith, 2023)



Figure 8. *Acacia acuminata* proposed to be cleared (Smith, 2023)

Appendix F. Sources of information

F.1. GIS databases

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

- 10 Metre Contours (DPIRD-073)
- Aboriginal Heritage Places (DPLH-001)
- Cadastre (LGATE-218)
- 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)
- Flood Risk (DPIRD-007)
- Groundwater Salinity Statewide (DWER-026)
- Hydrography – Inland Waters – Waterlines
- Hydrological Zones of Western Australia (DPIRD-069)
- 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 Landscape Mapping – Best Available
- Soil Landscape Mapping – Systems
- Wheatbelt Wetlands Stage 1 (DBCA-021)

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)

F.2. References

Commonwealth of Australia (2001) *National Objectives and Targets for Biodiversity Conservation 2001-2005*, Canberra.

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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

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