

CMS14016

Direct Interest Email - Clearing of Native Vegetation

From: [REDACTED]
 Sent: Thursday, 30 January 2014 12:13 PM
 To: EPA Registrar
 Cc: Riley, John; leisl.rohl@epa.wa.gov.au
 Subject: CPS 5943/1 - Shire of Capel - all Shire reserves - Direct Interest Email - Clearing of Native Vegetation

Office of the Environmental Protection Authority	File: 2014-0000632084		For Information	Response please:	GM Signature
	30 JAN 2014		For Discussion		Dir for GM (copy to GM)
A:			For Action	Dir. AC	Dir. Bus Ops
fa:				Dir. SPPD	Dir. Strat/Sup
Officer:					
					Mgr Direct (copy to GM)

Dear Mr Sutton

APPLICATION TO CLEAR NATIVE VEGETATION UNDER THE ENVIRONMENTAL PROTECTION ACT 1986

The Department of Environment Regulation (DER) has received an application from the Shire of Capel to clear up to 75 native trees within road reserves and other Shire reserves vested with the Shire (over a 5 year period), for the purpose of hazard reduction, where individual trees have been assessed (by the Shire) to be hazardous. The locations of such assessed trees are unknown and it is assumed that only one or two trees at any one site may be impacted.

This proposed clearing of individual trees may include areas subject to the Environmental Protection Swan Coastal Plain Lakes Policy 1992. DER is seeking comment from the Environmental Protection Authority (EPA) on the impacts the proposed removal of isolated trees may have in relation to the above policy.

The Shire was granted a permit for this purpose in November 2008 (CPS 2771/1) and expired in 6 December 2013. The Shire has reported that from January 2009 to October 2013, seven (7) trees have been removed. I have attached the Assessment Report and clearing permit prepared for CPS 2771/1 for your information – the assessment report is still relevant and maybe applied to this new clearing application.

Copies of the application and context map are also attached for your information.

I would appreciate receiving your comments at the address below, or via email at nvp@der.wa.gov.au, quoting the reference number above.

If you have any queries regarding this matter, please contact the Department's Native Vegetation Conservation Branch on 6467 5020.

Regards

[REDACTED]

Native Vegetation Conservation Branch
Department of Environment Regulation
Locked Bag 33
Cloisters Square 6850

[REDACTED]





Application for a clearing permit (purpose permit)

Environmental Protection Act 1986 s 51E

FORM C2

Clearing of native vegetation is prohibited in Western Australia except where a clearing permit has been granted or an exemption applies. A person who causes or allows unauthorised clearing commits an offence.

Date stamp

Part 1 Land details

The location of the land where clearing is proposed must be accurately described.

Land description: Volume and Folio number, Lot or location number(s), Crown Lease or Reserve number, Pastoral Lease number or Mining Tenement number of all properties where clearing is proposed.

Shire of Capel

DEPARTMENT OF ENVIRONMENT
REGULATION

23 DEC 2013

DEPARTMENT OF ENVIRONMENT
REGULATION

23 DEC 2013

Corporate Information Section

Local government area

Capel

Corporate Information Section

Part 2 Proposal

An aerial photograph or map with a north arrow must be attached, clearly marking the area proposed to be cleared.

or
If you have the facilities, a digital map on CDROM of the area to clear in one of the following formats:

- ESRI Shapefile with the following properties:
 - Geometry Type: Polygon shape
 - Coordinate System: GCS GDA 1994 (Geographic latitude/longitude)
 - Datum: GDA 1994 (Geocentric Datum of Australia 1994).
- Autocad 2000 or earlier; or
- Microstation 8 or earlier.

Total area of clearing proposed (hectares)

Road Reserves in the Shire of Capel

Proposed method of clearing

Chainsaw Disposal by woodchipping

Period within which clearing is proposed to be undertaken, e.g. May 2010–June 2010

Ongoing – December 2013 to December 2018

Purpose of clearing

To remove trees assessed as being a safety hazard to the public or property (Assessment form attached)
(CPS 27/11/1 expired)

Part 3 Applicant

To apply for a permit you must either be:

- the landowner; or
- have the authority of the landowner to access the land and undertake the clearing.

If granted, the permit will be issued in the name of the applicant.

Are you applying as an individual, a company or an incorporated body? – Enter details for one only (please print).

An individual – applicant's given names, Family name and title (Mr, Mrs, Ms, etc)

A company or incorporated body name (Note: companies must supply an Australian Company Number - ACN)

Shire of Capel

Ownership of land

A landowner can be:

- a person who holds the Certificate of Title;
- a person who is the lessee of Crown land, or
- a public authority that is responsible for care of the land.

Full name of all landowners as they appear on the Certificate of Title (please print)

(1)

Crown / Shire Reserves

(2)

If more than one Certificate of Title, please include details on a separate sheet.



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose permit number:	CPS 2771/1
Permit holder:	Shire of Capel
Shire:	Shire of Capel
Duration of permit:	6 December 2008 – 6 December 2013

The permit holder is authorised to clear native vegetation subject to the following conditions of this Permit.

PART I – CLEARING AUTHORISED

1. Purpose for which clearing may be done

Clearing for the purpose of removing trees assessed by the Shire of Capel as being a safety hazard.

2. Land on which clearing is to be done

The Permit holder must not clear more than 50 native trees within the boundaries of the Shire of Capel, on land owned by or vested with the Shire of Capel.

3. Application

This Permit allows the permit holder to authorise persons, including employees, contractors and agents of the permit holder, to clear native vegetation for the purposes of this Permit subject to compliance with the conditions of this Permit and approval from the Permit Holder.

4. Type of clearing authorised

This Permit authorises the permit holder to clear native vegetation for activities to the extent that the permit holder has the power to clear native vegetation for those activities under the *Local Government Act 1995* or any other written law.

5. Compliance with Assessment Sequence and Management Procedures

Prior to clearing any native vegetation under conditions 1 and 2 of this Permit, the permit holder must comply with the Assessment Sequence and the Management Procedures set out in Part II of this Permit.

PART II – ASSESSMENT SEQUENCE AND MANAGEMENT PROCEDURES

6. Avoid, minimise etc clearing

In determining the native trees to be cleared authorised under this Permit, the Permit Holder must have regard to the following principles, set out in order of preference:

- (a) avoid the clearing of native vegetation;
- (b) minimise the amount of native vegetation to be cleared; and
- (c) reduce the impact of clearing on any environmental value.

7. Dieback and Weed management

- (a) When undertaking any clearing or other activity authorised under this Permit, the Permit Holder must take the following steps to minimise the risk of introduction and spread of *dieback*:
- (i) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
 - (ii) shall not move soils in wet conditions;
 - (iii) ensure that no *dieback*-affected material is brought into an area that is not affected by *dieback*; and
 - (iv) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.
- (b) 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*:
- (i) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
 - (ii) ensure that no *weed*-affected material is brought into the area to be cleared; and
 - (iii) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

8. Fauna Management

- (a) Prior to undertaking any clearing authorised under this Permit, the areas shall be inspected by a *fauna specialist* who shall identify trees that contain hollows suitable to be utilized as habitat by fauna listed in the Wildlife Conservation (Specially Protected Fauna) Notice August 2008;
- (b) Prior to clearing, any habitat identified by condition 8(a) shall be inspected by a *fauna specialist* for the presence of fauna listed in the Wildlife Conservation (Specially Protected Fauna) Notice August 2008; and
- (c) Prior to clearing, the Permit Holder shall ensure that any fauna identified by condition 8(b) shall be removed and relocated by a *fauna clearing person*, in accordance with a license issued by the Department of Environment and Conservation.

PART III – RECORD KEEPING AND REPORTING

9. Records must be kept

The Permit holder must maintain the following records for activities done pursuant to this Permit:

- (a) In relation to the clearing of native vegetation undertaken pursuant to the purpose of clearing:
- (i) the species of trees cleared;
 - (ii) 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;
 - (iii) the date that the area was cleared; and
 - (iv) the number of trees cleared.
- (b) In relation to fauna management pursuant to condition 8 of this Permit:
- (i) the location of each habitat tree identified recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings;
 - (ii) the species of fauna reasonably likely to utilise, or that have been observed utilising, the trees that contain hollows; and
 - (iii) the location and date where relocated fauna was released, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings.

10. Reporting

- (a) The Permit Holder must provide to the CEO, on or before 30 June of each year, a written report of records required under condition 9 of this Permit and activities done by the Permit Holder under this Permit between 1 January and 31 December of the preceding year.
- (b) Prior to 6 September 2013, the Permit Holder must provide to the CEO a written report of records required under condition 9 of this Permit where these records have not already been provided under condition 10(a) of this Permit.

Definitions

The following meanings are given to terms used in this Permit:

dieback means the effect of *Phytophthora* species on *native vegetation*;

fauna specialist means a person with training and specific work experience in fauna identification or faunal assemblage surveys of Western Australian fauna;

fauna clearing person means a person who has obtained a licence from the Department, issued pursuant to the Wildlife Conservation Regulations 1970 authorising them to take fauna

weed/s means a species listed in Appendix 3 of the *Environmental Weed Strategy* published by the Department of Conservation and Land Management (1999), and plants declared under section 37 of the *Agricultural and Related Resources Protection Act 1976*.

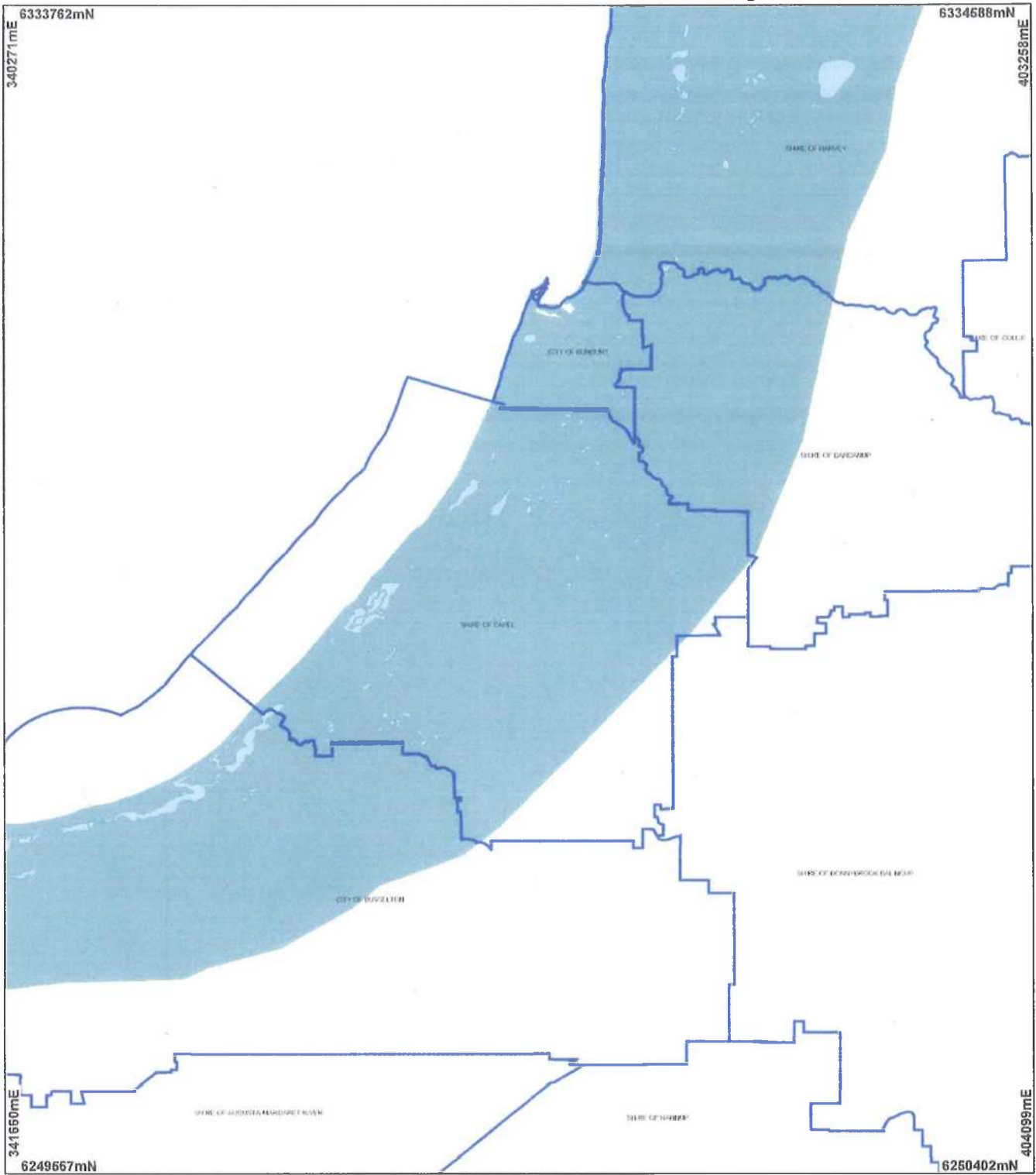


Kelly Faulkner
MANAGER
NATIVE VEGETATION CONSERVATION BRANCH

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

6 November 2008

CPS 5943/1 - EPP-SCP Lakes Policy 1992



LEGEND

- EPP,SCP Lakes Policy Bdy 1992
- EPP,SCP Lakes
- Local Government Authorities



Scale 1:371143

(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

Prepared by: Johnri

Prepared for:

Date: 29/01/2014 5:19:40 PM

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



Government of Western Australia
Department of Environment Regulation

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1. Application details

1.1. Permit application details

Permit application No.: 2771/1
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Shire of Capel

1.3. Property details

Property: ROAD RESERVE (CAPEL RIVER 6271)
ROAD RESERVE (CAPEL RIVER 6271)

Local Government Area:

Colloquial name: Various Road Reserves within the Shire of Capel

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
	50	Mechanical Removal	Hazard reduction or fire control

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
<p>The vegetation under application may consist of one or more of the following Beard Vegetation Associations:</p> <ul style="list-style-type: none"> - 2: Tall woodland; tuart (Eucalyptus gomphocephala) - 3: Medium forest; jarrah-marri - 6: Medium woodland; tuart & jarrah - 27: Low woodland; paperbark (Melaleuca sp.) - 37: Shrublands; teatree thicket - 676: Succulent steppe; samphire - 968: Medium woodland; jarrah, marri & wandoo - 990: Low forest: peppermint (Agonis flexuosa) - 998: Medium woodland; tuart - 1000: Mosaic: Medium forest; jarrah-marri / Low woodland; banksia / Low forest; teatree (Melaleuca spp.) - 1017: Medium open woodland; jarrah & marri, with low woodland; banksia - 1136: Medium woodland; marri with some jarrah, wandoo, river gum and casuarina - 1181: Medium woodland, jarrah & Eucalyptus 	<p>The proposed clearing is for up to 50 dead trees or trees assessed by the shire as being a safety hazard, scattered throughout land owned by or vested with the Shire of Capel. The proposed clearing includes individual trees only and not remnant stands of vegetation.</p>	<p>Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery 1994)</p>	<p>The condition of the vegetation is likely to vary throughout the Shire with the overall vegetation condition expected to average to good condition given that the purpose for clearing is to remove dead trees or trees assessed by the shire as being a safety hazard (likely to be highly accessible ie in road reserves).</p> <p>The overall condition of the vegetation of which the trees are a part, is unlikely to be compromised by the removal of individual trees. Remnant understorey will not be affected.</p>

haematoxylon (Whicher Range)
- 1182: Medium woodland; Eucalyptus rudis & Melaleuca raphiophylla
- 1185: Medium woodland; jarrah, marri & blackbutt

(Shepherd et al., 2001; Shepherd, 2007)

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 likely to be at variance to this Principle**
The proposed clearing is for up to fifty 50 dead trees or trees assessed by the shire as being a safety hazard scattered throughout land owned by or vested with the Shire of Capel.

The proposed clearing includes individual trees only and not remnant stands of vegetation.

Given that clearing is for dead trees or trees assessed by the shire as being a safety hazard only the biodiversity of the Shire of Capel is not likely to be significantly impacted through the clearing as proposed.

However, machinery used for clearing has the potential to introduce weeds and dieback into areas that are high in biodiversity throughout the Shire. Weed and dieback hygiene conditions will be placed on the permit to ensure surrounding vegetation is not compromised by the proposed clearing.

Methodology GIS Database:
SAC Biodatasets - accessed 28 Oct 08
Pre European Vegetation - DA 01/01
NLWRA, Current Extent of Native Vegetation 20 Jan 2001

(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 may be at variance to this Principle**
The Shire of Capel is known to contain many fauna species which may be directly impacted by the clearing of dead trees or trees assessed by the shire as being a safety hazard.

The Brush Tailed Phascogale (*Phascogale tapoatafa*), Western Ringtail Possum (*Pseudocheirus occidentalis*), Forest Red-Tailed Cockatoo (*Calyptorhynchus banksia naso*), Carnabys Black Cockatoo (*Calyptorhynchus latirostris*) and Chuditch (*Dasyurus geoffroii*) may all utilize tree hollows within the applied area.

Due to this, it is recommended that potential habitat trees be inspected for fauna prior to clearing and fauna management conditions will be a requirement of the permit.

Methodology DEC 2008
GIS Database:
CALM Managed Lands and Waters - CALM 01/06/05
SAC Biodatasets - accessed 28 Oct 08
NLWRA, Current Extent of Native Vegetation 20 Jan 2001

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

Comments **Proposal is not likely to be at variance to this Principle**
The proposed clearing is unlikely to impact on any rare or Priority flora as the clearing is for dead trees or trees assessed by the shire as being a safety hazard only.

Little to no understorey is anticipated to be removed to undertake the clearing of the trees and thus no rare or Priority flora are likely to be affected (DEC 2008).

A condition will be placed on the permit ensuring that clearing is avoided, minimised and impacts are reduced when determining trees to be cleared.

Methodology GIS Database:
SAC Biodatasets - accessed 28 Oct 08

(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.

Comments **Proposal is not likely to be at variance to this Principle**
There are 11 occurrences of Threatened Ecological Communities (TECs) within the Shire of Capel.

As the clearing is for up to 50 individual trees scattered throughout the shire it is unlikely that clearing within TECs and their buffers will have an impact on the environmental values of any TEC.

Methodology References:
SAC Biodatasets - accessed 28 Oct 08

(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 Shire of Capel retains approximately 34.08% native vegetation within the shire boundary.

Individual dead trees or trees assessed by the shire as being a safety hazard within this area under application are not likely to be of significant environmental value in a local context and taking into account the vegetation representation throughout the shire the clearing as proposed is not likely to be at variance to this principle.

Methodology GIS Database:
SAC Biodatasets - accessed 28 Oct 08
Interim Biogeographic Regionalisation of Australia - EA 18/10/00
Local Government Authorities - DLI 8/07/04
NLWRA, Current Extent of Native Vegetation 20 Jan 2001

(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 likely to be at variance to this Principle**
The Shire of Capel has many wetlands and watercourses within the shire boundary however as the clearing is only for up to 50 individual trees scattered throughout the Shire the clearing as proposed is not likely to impact on any watercourses or wetlands.

Methodology GIS Database:
ANCA wetlands - Environment Australia 26/3/99
CALM Managed Lands and Waters - CALM 01/06/05
EPP Lakes Policy Area - DEP 14/05/97
EPP, Wetlands 2004 (DRAFT) - EPA 21/7/04
Clearing Regulations, Environmentally Sensitive Areas 30 May 2005
Geomorphic Wetlands (Mgt Categories), Swan Coastal Plain ? DEC 11/04/07
Hydrography linear - DOW 13/7/06
Hydrography linear (hierarchy) - DoW 13/7/06
Ramsar wetlands - DEC 03
South Coast Significant Wetlands - WRC 10/06/2003

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

Comments **Proposal is not likely to be at variance to this Principle**
Due to the proposed being for scattered trees throughout the Shire, it is considered unlikely that the proposed clearing will cause any land degradation.

Methodology GIS Database:
Acid Sulfate Soil Risk Map, Swan coastal Plain - DEC 07/08/06
Average Annual Rainfall Isohyets - WRC 29/09/98
Annual Evaporation Contours (Isopleths) - WRC 29/09/98
Hydrography, linear - DOW 13/7/06
Salinity Risk LM 25m - DOLA 00
Soils, Statewide DA 11/99
Topographic contours statewide - DOLA and ARMY 12/09/02

(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 likely to be at variance to this Principle**
The Shire of Capel has a number of conservation areas within the shire boundary including Tuart Forest

National Park, Ludlow State Forest, Coolilup State Forest, Capel Nature Reserve and Boyanup State Forest.

Given that the proposal is for 50 trees scattered throughout the Shire it is unlikely that the clearing of individual, accessible trees would impact on the environmental values of conservation areas with the Shire of Capel.

Methodology GIS Database:
CALM Managed Lands and Waters - CALM 01/06/05

(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 likely to be at variance to this Principle**
Due to the proposed clearing being for scattered trees throughout the Shire, it is considered unlikely that the proposed clearing will cause deterioration in water quality within the Shire of Capel.

Methodology GIS Database:
Evapotranspiration Isoleths - WRC 29/09/98
Groundwater Salinity Statewide DoW 13/07/06
Hydrographic catchments, catchments - DoW 01/06/07
Hydrographic catchments, subcatchments - DoW 01/06/07
Hydrography, linear - DOW 13/7/06
Mean Annual Rainfall Isohytes (1975 - 2003) - DEC 02/08/05
Salinity Risk LM 25m - DOLA 00
Topographic Contours, Statewide - DOLA 12/09/02

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

Comments **Proposal is not likely to be at variance to this Principle**
Due the proposed clearing being for scattered trees throughout the Shire, it is considered unlikely that the proposed clearing will increase the incidence or intensity of flooding within the Shire of Capel.

Methodology GIS Database:
Hydrography, linear - DoW 13/7/06
Mean Annual Rainfall Isohytes (1975 - 2003) - DEC 02/08/05
Topographic Contours, Statewide - DOLA 12/09/02

Planning instrument, Native Title, Previous EPA decision or other matter.

Comments
There are Aboriginal Sites of Significance within the Shire of Capel. DEC recommends consulting with local indigenous groups about the impact of the proposed clearing on these registered sites. Aboriginal Sites of Significance will need to be managed in accordance with requirements under the Aboriginal Heritage Act (1972) and with the Department of Indigenous Affairs (this was also provided as advice in the cover letter to the proponent).

Methodology GIS Database:
Aboriginal Sites of Significance 26 April 2007
Native Title Claims - LA 2/5/07
RIWI Act, Groundwater Areas - DoW 13/07/06

4. Assessor's comments

Comment

The application has been assessed against the clearing principles, planning instruments and other matters in accordance with s51O of the Environmental Protection Act 1986, and the proposed clearing may be at variance to principle (b) and is not likely to be at variance to principles (a), (c), (d), (e), (f), (g), (h), (i) and (j).

5. References

- DEC (2008) Regional Advice - South West for Clearing Permit Application CPS 2771/1, Shire of Capel. Department of Environment and Conservation, Western Australia (TRIM Ref. DOC67078).
- 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.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Northcote, K. H. with Beckmann G G, Bettenay E., Churchward H. M., van Dijk D. C., Dimmock G. M., Hubble G. D., Isbell R. F., McArthur W. M., Murtha G. G., Nicolls K. D., Paton T. R., Thompson C. H., Webb A. A. and Wright M. J. (1960-68): 'Atlas of Australian Soils, Sheets 1 to 10, with explanatory data'. CSIRO and Melbourne University Press: Melbourne.

Shepherd, D.P. (2007). Adapted from: Shepherd, D.P., Beeston, G.R., and Hopkins, A.J.M. (2001), Native Vegetation in Western Australia. Technical Report 249. Department of Agriculture Western Australia, South Perth. Includes subsequent updates for 2006 from Vegetation Extent dataset ANZWA1050000124.

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.

6. Glossary

Term	Meaning
BCS	Biodiversity Coordination Section of DEC
CALM	Department of Conservation and Land Management (now BCS)
DAFWA	Department of Agriculture and Food
DEC	Department of Environment and Conservation
DEP	Department of Environmental Protection (now DEC)
DoE	Department of Environment
DoIR	Department of Industry and Resources
DRF	Declared Rare Flora
EPP	Environmental Protection Policy
GIS	Geographical Information System
ha	Hectare (10,000 square metres)
TEC	Threatened Ecological Community
WRC	Water and Rivers Commission (now DEC)