

**Clearing of between 65 and 112 hectares of
native vegetation for agriculture, Kent Location
1858, Shire of Gnowangerup**

G M & V M Plane

**Report and recommendations
of the Environmental Protection Authority**

**Environmental Protection Authority
Perth, Western Australia
Bulletin 1236
October 2006**

Environmental Impact Assessment Process Timelines

Date	Progress stages	Time (weeks)
1/11/05	Referral received	
28/12/05	Letter and draft Statement of Reasons to proponent, indicating possible PUEA	4
28/12/05	Level of Assessment set	-
16/10/06	EPA report to the Minister for the Environment	50

RELEASE DATE:

16 October 2006.

APPEAL PERIOD CLOSE:

30 October 2006.

ISBN. 0 7307.6875 9

ISSN. 1030 - 0120

Assessment No. 1620

Summary and recommendations

This report provides the advice and recommendations of the Environmental Protection Authority (EPA) to the Minister for the Environment on the key environmental factors for the proposal by G M & V M Plane, to clear a portion of Kent Location 1858 for agricultural purposes.

Section 44 of the *Environmental Protection Act 1986* (EP Act) requires the EPA to report to the Minister for the Environment on the outcome of its assessment of a proposal. The report must set out:

- The key environmental factors identified in the course of the assessment; and
- The EPA's recommendations as to whether or not the proposal may be implemented, and, if the EPA recommends that implementation be allowed, the conditions and procedures to which implementation should be subject.

The EPA may include in the report any other advice and recommendations as it sees fit.

Key environmental factors

The EPA decided that the following key environmental factors relevant to the proposal required detailed evaluation in the report:

- (a) Flora;
- (b) Land (terrestrial); and
- (c) Water quality (surface water).

Conclusion

The EPA has concluded that the proposal to clear a portion of Kent Location 1858 for agricultural purposes by G M & VM Plane is environmentally unacceptable as it cannot be managed to meet the EPA's objectives.

Recommendations

The EPA submits the following recommendations to the Minister for the Environment:

1. That the Minister notes that the proposal being assessed is for the clearing of between 65 and 112 hectares of native vegetation for agriculture, on Kent Location 1858, Shire of Gnowangerup. Furthermore, for the purposes of this assessment, the proposal is taken to be any clearing within areas B, B2, B3, and C, shown in Figure 2 of the EPA's Report and Recommendations.
2. That the Minister considers the report on the key environmental factors as set out in Section 3 of this report.
3. That the Minister notes that the EPA has concluded that the proposal cannot be managed to meet the EPA's objectives in relation to:
 - (a) Flora;
 - (b) Land (terrestrial); and
 - (c) Water quality (surface water).
4. That the Minister notes that the EPA has not included in this Bulletin conditions and procedures to which the proposal should be subject, if implemented, because the EPA holds the view that the proposal should not be implemented.

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Figure 1: Location of proposal

Figure 2: Proposal area

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1. References

1. Introduction

This report provides the advice and recommendations of the Environmental Protection Authority (EPA) to the Minister for the Environment on the key environmental factors for the proposal by G M & VM Plane, to clear a portion of Kent Location 1858 for agricultural purposes.

The proposal is to clear some portion of Kent Location 1858 for agricultural purposes. The exact area of proposed clearing has changed as the proponent has made further submissions to the State Administrative Tribunal. It is understood that the proponent's current application is to clear approximately 65 hectares of native vegetation. Further details of the proposal are presented in Section 2 of this Report.

In 1989 a Notice of Intent to Clear (NOIC) was submitted for areas A, B, and C (Refer to Figure 2). The Commissioner of Soil and Land Conservation did not object to this clearing. Some clearing of the land was then undertaken to varying degrees (chaining, ploughing, raking, etc...).

In 2003 the proponent advised Department of Agriculture that it wished to complete clearing on Kent Location 1858 and the Commissioner of Soil and Land Conservation reassessed the proposal for land degradation risks. It was determined that salinity was a likely outcome of clearing and a Soil Conservation Notice (SCN) was issued.

The current SCN covers areas B, B2, B3 and C. These areas are considered to have a good potential to regenerate native vegetation from rootstock if left in their current condition. Other areas (A and B1) were not included in the SCN as these have either been fully developed or cleared to an extent that regeneration of native vegetation would not be very successful.

In reassessing the NOIC the Interdepartmental Working Group identified a number of potentially significant environmental impacts and recommended that the proposal be referred to the EPA if the NOIC was not objected to by the Commissioner.

The proponent then appealed to the State Administrative Tribunal against the SCN on Kent Location 1858. As it was possible that a decision could be made to allow clearing, thereby making the proposal one that is likely to be implemented, the Commissioner referred the proposal to the EPA under Section 38 of the *Environmental Protection Act 1986* on 1 November 2005.

The EPA set the level of assessment at Proposal is Unlikely to be Environmentally Acceptable (PUEA) on 28 December 2005. This level of assessment was set because clearing would result in a loss of biodiversity and salinity impacts.

Appeals on the level of assessment were dismissed by the Minister for the Environment on 17 July 2006. The appellant argued in its appeal that the reduced area of clearing (from 112 hectares to 65 hectares) together with the land use management practices and soil types on the property meant that the proposed clearing would not cause the environmental problems identified by the EPA and Commissioner.

Section 44 of the *Environmental Protection Act 1986* requires the EPA to report to the Minister for the Environment on the key environmental factors for the proposal and on the conditions and procedures to which the proposal should be subject, if implemented. In addition, the EPA may make recommendations as it sees fit.

Accordingly, Section 3 discusses key environmental factors for the proposal and Section 4 presents the EPA's conclusions and recommendations. References are listed in Appendix 1.

2. The proposal

The proposal is to clear a portion of Kent Location 1858 for agricultural purposes. The exact area of proposed clearing has changed as the proponent has made further submissions to the State Administrative Tribunal. It is understood that the proponent's current application is to clear approximately 65 hectares of native vegetation. The location of the property and the areas of proposed clearing are shown in Figures 1 and 2.

For the purposes of this assessment, the proposal is taken to be any clearing within areas B, B2, B3, and C, shown on Figure 2.

The subject property is located 34 kilometres south of Ongerup (refer Figure 1).

3. Key environmental factors

The EPA considers that this proposal cannot be reasonably modified to meet the EPA's objectives.

It is the EPA's opinion that the following key environmental factors for the proposal require detailed evaluation in this report:

- (a) Flora;
- (b) Land (terrestrial); and
- (c) Water quality (surface water)

The key environmental factors are discussed in Sections 3.1 to 3.3 of this report.

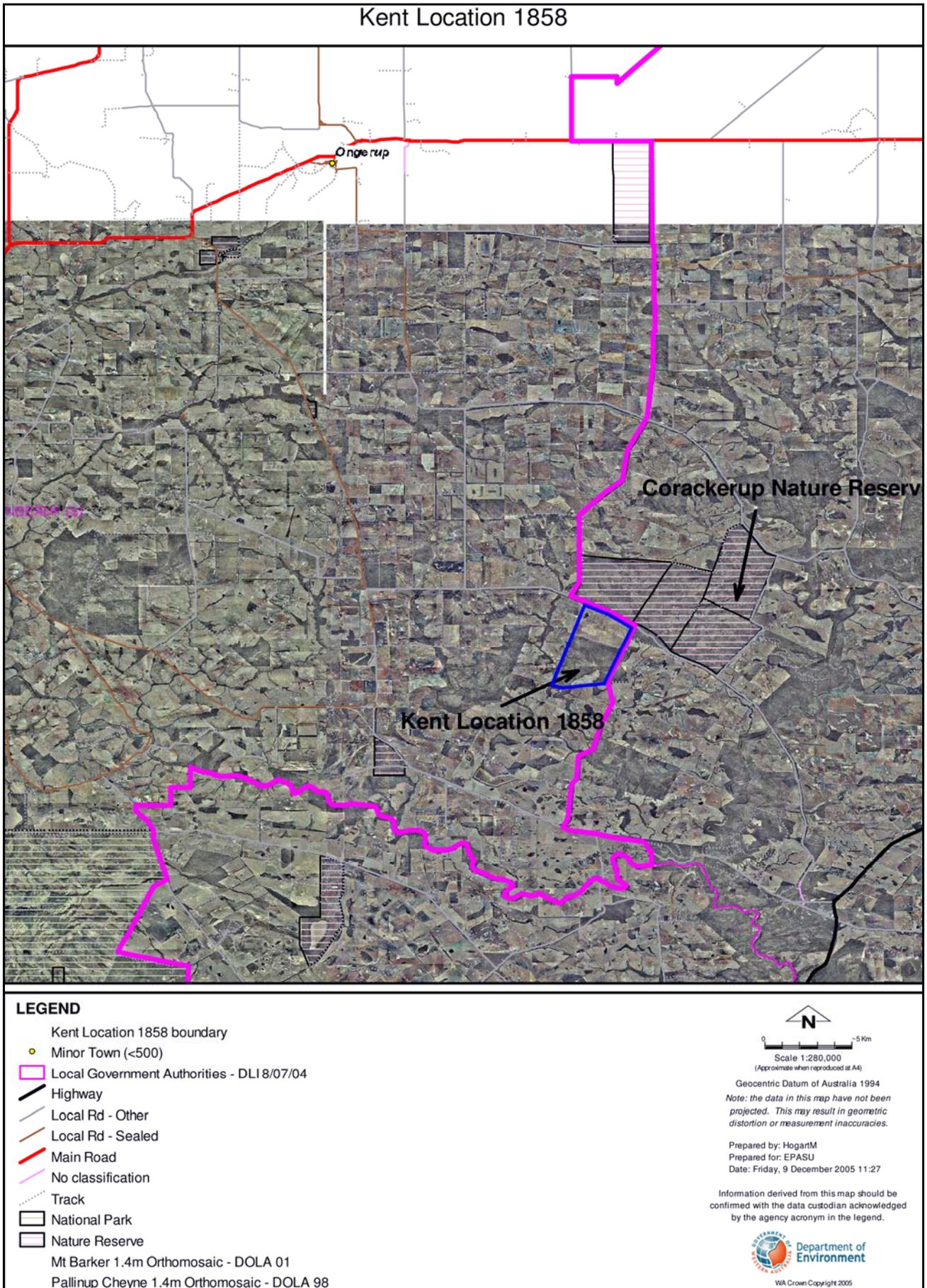


Figure 1: Location of proposal

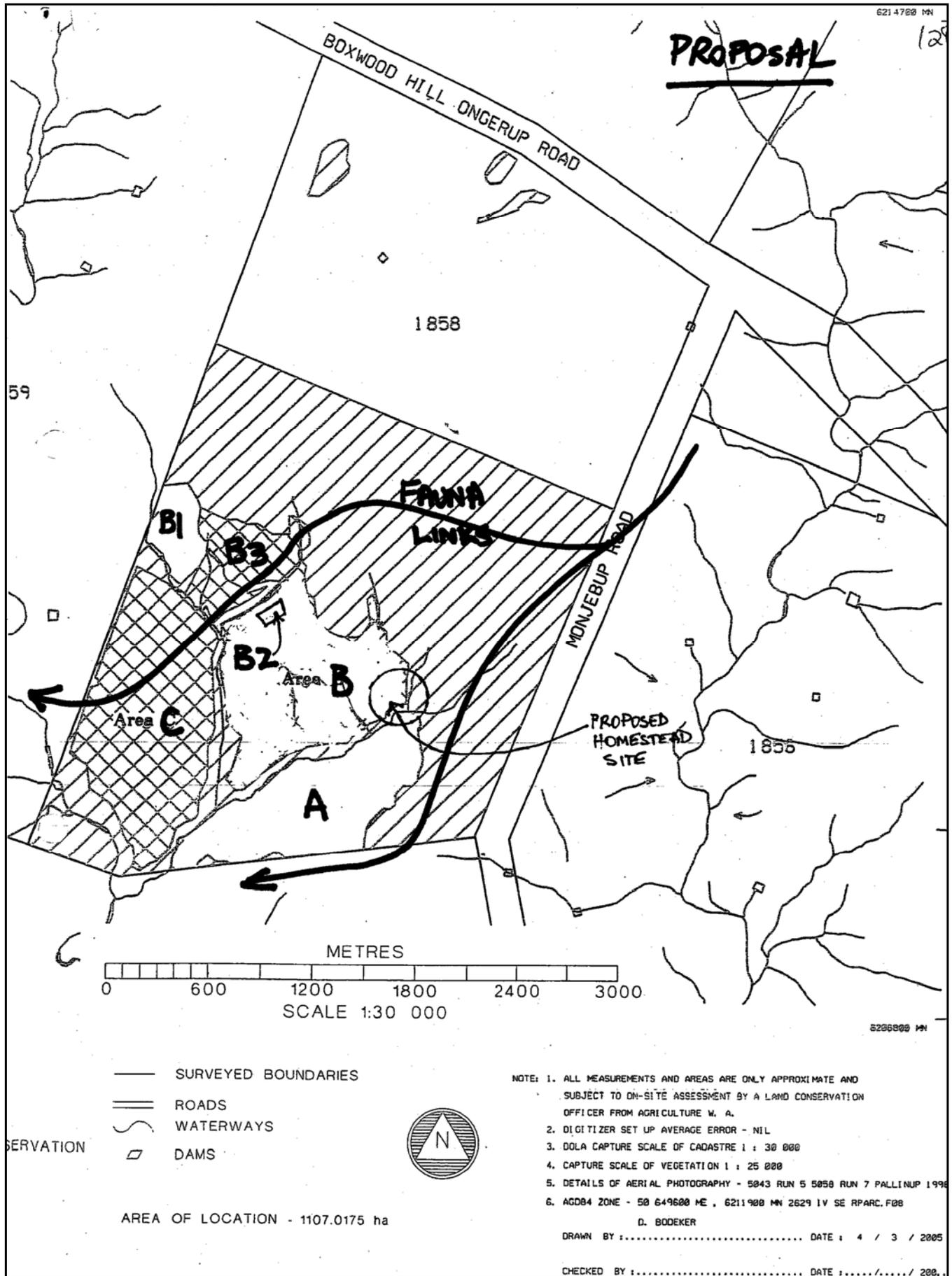


Figure 2: Proposal Area

3.1 Flora

Description

This proposal involves clearing for agricultural purposes within the “agricultural area” of Western Australia, as defined by the map presented as Figure 1 of the EPA’s Position Statement No. 2: *Environmental Protection of Native Vegetation in Western Australia* (EPA, 2000). The EPA’s position with respect to clearing of native vegetation for agricultural purposes within this area is that any further reduction in native vegetation through clearing for agriculture cannot be supported, because significant clearing of native vegetation has already occurred in this area and this has already led to a reduction in biodiversity and increase in land salinisation.

The property lies in the Shire of Gnowangerup where only 18.5% of the area of original native vegetation remains.

There is also a significant likelihood that declared rare flora or priority occur within the area to be cleared, given that they occur nearby and in similar habitat. There are a number of declared rare flora and priority flora known to occur in the local area. In particular, one known population of the declared rare flora species *Thelymitra psammophila* occurs on Location 1858.

Assessment

The EPA’s environmental objective for this factor is “To maintain the abundance, diversity, geographic distribution and productivity of flora at species and ecosystem levels through the avoidance or management of adverse impacts and improvement in knowledge”.

The proposal is inconsistent with the EPA’s Position Statement No. 2 on *Environmental Protection of Native Vegetation* and would result in a further loss of the abundance and biological diversity of flora in a region in which too much clearing has already occurred.

Accordingly, it is the EPA’s opinion that the proposal cannot be managed to meet the EPA’s environmental objectives.

Given the reason above, the question of whether, or not, declared rare flora or priority actually occur in the proposal area, does not need to be resolved.

3.2 Land (terrestrial)

Description

Further clearing of Location 1858 will lead to many irreversible land degradation issues.

- Many salt seeps may appear along the lower-slopes but soil salinity will be mainly confined to within 150 metres from the creek-lines.
- Erosion of watercourses and lower parts of the landscape will become a significant issue.

(Department of Agriculture, 2005)

Assessment

The EPA's environmental objective for this factor is "To maintain the integrity, ecological functions and environmental values of the soil and landform".

Clearing in this area is very likely to result in salinisation of the soil and erosion of land, thus reducing the environmental values of the soil and landform.

Accordingly, it is the EPA's opinion that the proposal cannot be managed to meet the EPA's environmental objectives.

3.3 Water quality (surface water)

Description

Further clearing of Location 1858 will lead to many irreversible land degradation issues.

- Creek salinity will increase. A combination of salt-load and silt-load in the creek flow may have an impact on the downstream segments of the watercourses.

(Department of Agriculture, 2005)

Assessment

The EPA's environmental objective for this factor is "To ensure that emissions do not adversely affect environment values or the health, welfare and amenity of people and land uses by meeting statutory requirements and acceptable standards".

Salinity and erosion that is likely to be caused by this proposal would also adversely affect the environmental values of nearby watercourses.

Accordingly, it is the EPA's opinion that the proposal cannot be managed to meet the EPA's environmental objectives.

4. Conclusions and Recommendations

The EPA has concluded that the proposal to clear a portion of Kent Location 1858 for agricultural purposes by G M & VM Plane is environmentally unacceptable as it cannot be managed to meet the EPA's objectives.

The EPA submits the following recommendations to the Minister for the Environment:

1. That the Minister notes that the proposal being assessed is for the clearing of between 65 and 112 hectares of native vegetation for agriculture, on Kent Location 1858, Shire of Gnowangerup. Furthermore, for the purposes of this assessment, the proposal is taken to be any clearing within areas B, B2, B3, and C, shown in Figure 2 of the EPA's Report and Recommendations.
2. That the Minister considers the report on the key environmental factors as set out in Section 3 of this report.

3. That the Minister notes that the EPA has concluded that the proposal cannot be managed to meet the EPA's objectives in relation to:
 - (a) Flora;
 - (b) Land (terrestrial); and
 - (c) Water quality (surface water).
4. That the Minister notes that the EPA has not included in this Bulletin conditions and procedures to which the proposal should be subject, if implemented, because the EPA holds the view that the proposal should not be implemented.

Appendix 1

References

Environmental Protection Authority of Western Australia (2000). *Environmental Protection of Native Vegetation in Western Australia, Clearing of native vegetation with particular reference to the agricultural area*. Position Statement No. 2. Western Australia.

Department of Agriculture (2005). Report to the Commissioner of Soil & Land Conservation on potential salinity issues at Kent Location 1858 (dated 5 December 2005). Unpublished