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 10236/1
Permit type:	Purpose permit
Applicant name:	Scadden Pty Ltd
Application received:	6 June 2023
Application area:	0.012 ha
Purpose of clearing:	Installation of underground power cabling.
Method of clearing:	Mechanical Removal
Property:	High View Road reserve (PIN 11410926) and unmade Bay View Crescent Road Reserve (PIN 11410909)
Location (LGA area/s):	City of Busselton
Localities (suburb/s):	Dunsborough

1.2 Description of clearing activities

The area proposed to be cleared is approximately 0.012 hectares of road reserve, distributed across two separate areas (see Figure 1, Section 1.5). Clearing of the application area is to selectively clear trees and shrubs as required, to remove underground obstructions during directional drilling and at the location of selected street lighting poles to install underground power infrastructure.

1.3 Decision on application

Decision:	Granted
Decision date:	19 October 2023
Decision area:	0.012 hectares of native vegetation, 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 A), relevant datasets (see Appendix E.1), the vegetation photographs (see Appendix D), 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 assessment identified that the proposed clearing will result in:

- The potential introduction and spread of weeds into adjacent vegetation, which could impact on the quality of the local areas 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 the proposed clearing is unlikely to lead to appreciable land degradation or have long-term adverse impacts on environmental values. 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,
- Take hygiene steps to minimise the risk of the introduction and spread of weeds,
- Rehabilitation of the temporary cleared areas.

1.5 Site map

Figure 1: Map of the application area. The areas crosshatched yellow indicates 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)
- *Planning and Development Act 2005* (WA) (P&D Act)

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)

3 Detailed assessment of application

3.1 Avoidance and mitigation measures

The proposed clearing is only to the extent necessary for machinery to complete directional drilling to install the underground power supply, and trees will be avoided where possible. The applicant also stated any removed vegetation will be replanted with native vegetation at the completion of the works.

The Delegated Officer was satisfied that the applicant has made a reasonable effort to avoid and minimise 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 A) 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 B) identified the impacts of the proposed clearing present a risk to biological values (fauna). 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 Biological values - Clearing Principles b

The application area is located over Margaret River Plateau (WW2) complex which is described as tall open forest of *Corymbia calophylla* (Marri) and-*Agonis flexuosa* (peppermint trees) on flats and valleys in perhumid and humid areas (Mattiske & Havel, 1998).

The photographs provided (Appendix D) indicate presence of habitat suitable for conservation significant fauna.

Within the local area, 52 conservation significant fauna species have been recorded. Of these recordings, 19 are migratory avian species and a further eight are marine or freshwater habitat dwellers, which is not represented within the application area.

Three species of black cockatoos have been recorded within the local area: Baudin's cockatoo, Carnaby's cockatoo and forest red-tail black cockatoo and the application area is within the known distribution of all three black cockatoo species. The application area contains *Agonis flexuosa* (peppermint) which is a foraging habitat for the Carnaby's cockatoo. However, peppermints are not a preferred foraging species and given the size of the application area (0.012 hectares consisting of two trees), the proposed clearing is not likely to have a significant impact on foraging habitat for black cockatoos.

Phascogale tapoatafa wambenger (south-western brush-tailed phascogale) and *Pseudocheirus occidentalis* (western ringtail possum) *have* also been recorded within 200 metres of the application area. These records are from a vegetated crown reserve east of the application area, with extensive urban development and no canopy connectivity

with the application area. Given the application area does not provide canopy connectivity to these records, the build-up nature of the surrounding area and the close proximity to better condition vegetation, the loss of 0.012 hectares of degraded vegetation is not likely to be significant to these species.

Conclusion

Given the small size of the native vegetation clearing (0.012 hectares), the condition of the existing vegetation, the locality and surrounding habitat in the local area, it is unlikely the conservation significant fauna identified will be impacted from the clearing. Further, the applicant has proposed to rehabilitate temporarily cleared areas post works, with native vegetation, which will further mitigate any potential impacts.

Conditions

To address the potential impacts above, the following management measures will be required as a condition on the clearing permit:

- The permit holder is required to revegetate and rehabilitate areas cleared for temporary works.
- The permit holder is required to take hygiene steps to minimise the risk of the introduction and spread of weeds and dieback.

3.3 Relevant planning instruments and other matters

The City of Busselton advised DWER that local government approvals are not required, and the proposed clearing is consistent with the Cities Local Planning Scheme. The applicant is required to provide notice of the works to the surrounding residents, with evidence of any notification and subsequent communication supplied by the City of Busselton (Scadden, 2023b). The Shire was provided the opportunity to comment on the proposed clearing however, no further comments were received.

A native title determination encompasses the application area and is mapped as South West Boojarah WI2017/013. There are no known Aboriginal sites of significance mapped within the application area. It is the permit holder's responsibility to comply with the relevant legislation and ensure that no Aboriginal Sites of Significance are damaged through the clearing process.

End

Appendix A. Site characteristics

A.1. Site characteristics

Characteristic	Details
Local context	The area proposed to be cleared comprises degraded vegetation within a road reserve, distributed across two separate areas, in the intensive land use zone of Western Australia. It is adjacent to the coastline and comprises small, isolated remnants surrounded by residential areas. Spatial data indicates the local area (10-kilometre radius from the centre of the area proposed to be cleared) retains approximately 44 per cent of the original native vegetation cover.
Ecological linkage	The application area is not within any mapped ecological linkages and does not form any local ecological linkage.
Conservation areas	The application area is located within 50 metres of the Ngari Cape Marine Park separated by a footpath and the beach foreshore. The Leeuwin-Naturaliste National Park is located 6 km from the application area.
Vegetation description	Photographs supplied by the applicant indicate the vegetation within the proposed clearing area consists of *Agonis flexuosa* (peppermint) trees, residential gardens and various weed species and provides no canopy continuity. Representative photos are available in Appendix D. This is inconsistent with the mapped vegetation type(s): • Margaret river Plateau (WW2), which is described as tall open forest of *Corymbia calophylla-Agonis flexuosa* on flats and valleys in perhumid and humid ones (Mattiske & Havel, 1998). The mapped vegetation type retain approximately 37.8 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 degraded condition (Keighery, 1994) described as: • Basic vegetation structure severely impacted by disturbance. Scope for regeneration but not to a state approaching good condition without intensive management. The full Keighery (1994) condition rating scale is provided in Appendix C. Representative photos are available in Appendix D.
Climate and landform	Climate of the application area is classified as Mediterranean, with hot, dry summers and cool, wet winters with a mean maximum temperature of 26 degrees in February and a mean minimum of 10.1 degrees in August. Rainfall is highest in the months of May, June and July (BOM 2023). The application area consists of coastal landforms gently sloping from east to west.
Soil description	The soil is mapped as Wilyabrup exposed slopes, defined as low slopes (gradients generally 5-10%) exposed to strong ocean winds.
Land degradation risk	The application area mapped as low risk for water repellence and as medium risk for phosphorus export and water erosion. Wind erosion and subsurface acidification is mapped as high risk.
Waterbodies	The desktop assessment and aerial imagery indicated a palusvale wetland system is located 300 metres to the south west of the application area, consisting of a nonperennial watercourse, which is separated from roads and residential properties.
Hydrogeography	The application area is located within the Cape to Cape North Surface Water Area and the Busselton-Capel groundwater area proclaimed under the RIWI Act.
Flora	Available databases identified 37 flora species of conservation significance within the local area. Of these, eight species are Threatened, one is Priority 1 (P1), four are P2, 14 P3 and 10 are P4. Two threatened species are within one kilometre of the

Characteristic	Details
	application area, however, are not found in the same soil type, and the remaining six are within six kilometres of the application area.
Ecological communities	The closest ecological community is mapped approximately 280 metres south west of the application area.
Fauna	There are 52 conservation significant fauna species identified within the local area of which eight species are ocean dwellers and 17 are migratory birds. The closest record is the critically endangered species *Pseudocheirus occidentalis* (western ringtail possum) located approximately 130 metres north-west of the application area, and the *Phascogale tapoatafa wambenge* (south-western brush-tailed phascogale) recorded approximately 190 metres north. Black cockatoo feeding areas are also identified within 300 metres of the application area.

A.2. Land degradation risk table

Risk categories	***Wilyabrup exposed slopes Phase 216GR***
Wind erosion	H2: >70% of map unit has a high (to extreme) risk
Water erosion	M1: 10-30% of map unit has a high (to extreme) risk
Water repellence	L2: 3-10% of map unit has a high (to extreme) risk
Phosphorus export risk	M2: 30-50% of map unit has a high to extreme risk
Subsurface acidification	H2: 3-10% of map unit has a high (to extreme) risk
Acid sulphate soils	Moderate to low risk

Appendix B. 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 is unlikely to have a significant impact on conservation significant flora, fauna and significant ecological communities which were identified within the ten kilometre local area radius. The proposed clearing area may provide habitat for two conservation significant fauna species, however, given the size of the proposed clearing, impacts are not considered to be significant.	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 contains foraging habitat for two conservation significant species; *Calyptorhynchus latirostris* (Carnaby's Cockatoo) and *Pseudocheirus occidentalis* (western ring-tail possum).	Not likely to be at variance	Yes Refer to Section 3.2.1, above.
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 is unlikely to contain habitat for flora species listed under the BC Act.	Not likely to be at variance	No

Assessment against the clearing principles	Variance level	Is further consideration required?
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 species that can indicate a threatened ecological community (TEC). The vegetation within the application area is not likely to comprise the whole or a part of, or be necessary for the maintenance of, 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 native vegetation in the local area is within the national objectives and targets for biodiversity conservation in Australia. The vegetation proposed to be cleared is not considered to be part of a significant ecological linkage in the local area.	Not likely to be at variance	No
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 likely to be 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 watercourses or wetlands are recorded within the application area, the proposed clearing is unlikely to impact on- or off-site hydrology and water quality.	Not likely to be at variance	No .
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 highly susceptible to wind erosion and subsurface acidification and moderately susceptible to water erosion and phosphorus export. Noting the size and location of the application area, 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 watercourses or wetlands are recorded within the application area, the proposed clearing is unlikely to impact surface water quality. The proposed clearing is unlikely to impact groundwater.	Not likely to be 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.	Not likely to be at variance	No

Assessment against the clearing principles	Variance level	Is further consideration required?
Given no water courses or wetlands are recorded within the application area, and the nearest watercourse is non-perennial, located 0.35 kilometres to the south west, the proposed clearing is unlikely to contribute to 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.

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.
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 D. Photographs of the vegetation

Figure 2: Vegetation within the application area (Scadden, 2023a)

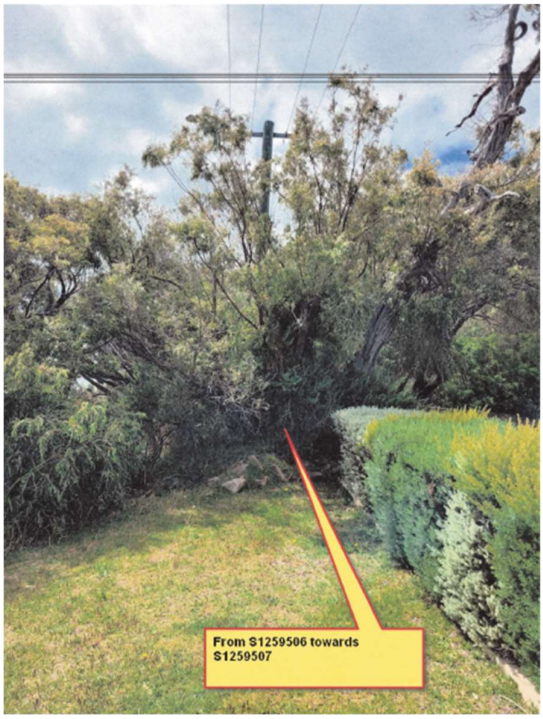

Figure 3: Vegetation within the application area (Scadden, 2023a)

Figure 4: Vegetation within the application area (Scadden, 2023a)

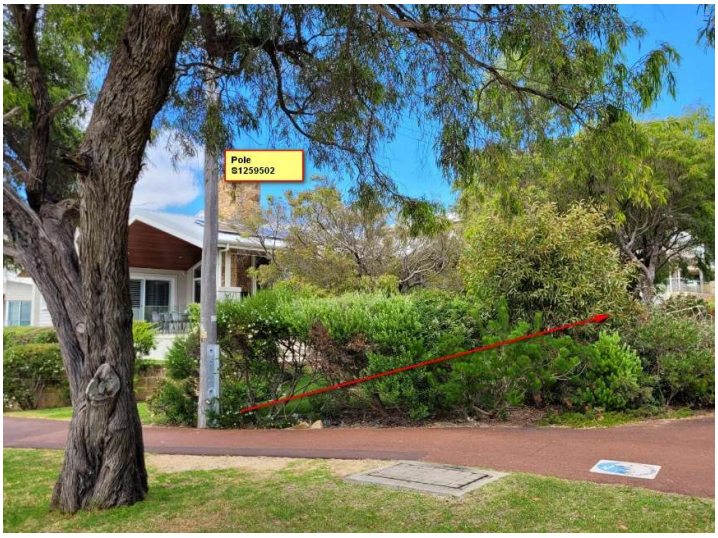

Figure 5: Vegetation within the application area (Scadden, 2023a)

Figure 6: Vegetation within the application area (Scadden, 2023a)

Appendix E. Sources of information

E.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)
- 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

Restricted GIS Databases used:

- Threatened Flora (TPFL)
- Threatened Flora (WAHerb)
- Threatened Fauna
- Threatened Ecological Communities and Priority Ecological Communities
- Threatened Ecological Communities and Priority Ecological Communities (Buffers)

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