



## CLEARING PERMIT

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

### PERMIT DETAILS

Area Permit Number: CPS 10625/1  
File Number: DWERVT14995  
Duration of Permit: From 25 December 2024 to 25 December 2034

### PERMIT HOLDER

Mr Ayden Batchelor and Ms Candice O'Shannessy

### LAND ON WHICH CLEARING IS TO BE DONE

Lot 11 on Deposited Plan 56472, Mumballup

### AUTHORISED ACTIVITY

The permit holder must not clear more than 0.095 hectares of *native vegetation* within the area cross-hatched yellow in Figure 1 of Schedule 1.

### CONDITIONS

#### 1. Period during which clearing is authorised

The permit holder must not clear any *native vegetation* after 25 December 2026

#### 2. Avoid, minimise, and reduce impacts and extent of clearing

In determining the *native vegetation* authorised to be cleared under this permit, the permit holder must apply the following principles, set out in descending 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.

#### 3. Weed and dieback management

When undertaking any clearing authorised under this permit, the permit holder must take the following measures to minimise the risk of introduction and spread of *weeds* and *dieback*:

- (a) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- (b) ensure that no known *dieback* or *weed*-affected soil, *mulch*, *fill*, or other material is brought into the area to be cleared; and
- (c) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

#### 4. Erosion management

- (a) The permit holder must only perform the operation of machinery used to undertake activities authorised under this permit during *dry conditions*.
- (b) The permit holder must commence the construction of the dam no later than three (3) months after undertaking the authorised clearing activities.

#### 5. Fauna management – western ringtail possum and south-western brush tailed phascogale

- (a) In relation to the area cross-hatched yellow in Figure 1 of Schedule 1, the permit holder must engage a *fauna specialist* to inspect that area immediately prior to, and for the duration of clearing activities, for the presence of western ringtail possum(s) (*Pseudocheirus occidentalis*) and south-western brush tailed phascogale (*Phascogale tapoatafa wambenger*).
- (b) Clearing activities must cease in any area where fauna referred to in condition 5(a) are identified until either:
  - (i) the western ringtail possum / south-western brush tailed phascogale individual(s) has moved on from that area to adjoining *suitable habitat*; or
  - (ii) the western ringtail possum individual(s) has been removed by a *western ringtail possum specialist* and/or the south-western brush tailed phascogale(s) has been removed by a *fauna specialist*.
- (c) Any western ringtail possum individual(s) removed in accordance with condition 5(b)(ii) must be relocated by a *western ringtail possum specialist* to adjacent *suitable habitat*.
- (d) Any south-western brush-tailed phascogale individual(s) removed in accordance with condition 5(b)(ii) must be relocated by a *fauna specialist* to adjacent *suitable habitat*.
- (e) Where fauna is identified under condition 5(a), the permit holder must within 14 calendar days provide the following records to the *CEO*:
  - (i) the number of individuals identified;
  - (ii) the date each individual was identified;
  - (iii) the location where each individual was identified recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 2020 (GDA2020), expressing the geographical coordinates in Eastings and Northings or decimal degrees;

- (iv) the number of individuals removed and relocated;
- (v) the relevant qualifications of the *fauna specialist* undertaking the inspection and/or the *western ringtail possum specialist* undertaking removal and relocation;
- (vi) the date each individual was removed;
- (vii) the method of removal;
- (viii) the date each individual was relocated;
- (ix) the location where each individual was relocated to, recorded using a GPS unit set to GDA2020, expressing the geographical coordinates in Eastings and Northings or decimal degrees; and
- (x) details pertaining to the circumstances of any death of, or injury sustained by, an individual.

## 6. Revegetation and rehabilitation – planting

- (a) The permit holder must within 12 months of undertaking clearing authorised under this permit:
  - (i) undertake deliberate planting of at least eighteen (18) marri (*Corymbia calophylla*) trees within the area hatched red of Figure 2 of Schedule 1;
  - (ii) ensure only local provenance species are used;
  - (iii) ensure planting is undertaken at the *optimal time*
  - (iv) ensure plantings are of a suitable size of at least one (1) metre in height;
- (b) The permit holder must undertake *weed* control and watering of *plantings* for at least three years following *planting* of the 18 trees undertaken in accordance with condition 6(a) of this permit;
- (c) The permit holder must, within 24 months of planting the 18 trees in accordance with condition 6(a) of this permit:
  - (i) engage an *environmental specialist* to make a determination that the 18 trees will survive;
  - (ii) if the determination made by the *environmental specialist* under condition 6(c)(i) that 18 trees will not survive, the permit holder must *plant* additional trees that will result in 18 trees persisting within the area hatched red on Figure 2 of Schedule 1;
  - (iii) where additional *planting* of trees is undertaken in accordance with condition 6(c), the permit holder must repeat the activities required by condition 6(a), 6(b) and 6(c) of this permit.

## 7. Records that must be kept

The permit holder must maintain records relating to the listed relevant matters in accordance with the specifications detailed in Table 1.

**Table 1: Records that must be kept**

No.	Relevant matter	Specifications
1.	In relation to the authorised clearing activities generally	<ul style="list-style-type: none"> <li>(a) the species composition, structure, and density of the cleared area;</li> <li>(b) the location where the clearing occurred, recorded using a Global Positioning System (GPS) unit set to GDA2020, expressing the geographical coordinates in Eastings and Northings;</li> <li>(c) the date that the area was cleared;</li> <li>(d) the size of the area cleared (in hectares);</li> <li>(e) actions taken to avoid, minimise, and reduce the impacts and extent of clearing in accordance with condition 2;</li> <li>(f) actions taken to minimise the risk of the introduction and spread of <i>weeds</i> and <i>dieback</i> in accordance with condition 3; and</li> <li>(g) erosion management actions taken in accordance with condition 4; and</li> <li>(h) actions taken to manage and mitigate impacts to western ringtail possums and south-western brush tailed phascogale in accordance with condition 5.</li> </ul>
2.	In relation revegetation and rehabilitation – planting	<p>Revegetation activities undertaken in accordance with condition 6 of this permit including:</p> <ul style="list-style-type: none"> <li>(a) the date that <i>revegetation</i> activities commenced;</li> <li>(b) the number of <i>plantings</i>;</li> <li>(c) the species planted;</li> <li>(d) <i>weed</i> control and watering activities undertaken;</li> <li>(e) determination by an <i>environmental specialist</i>; and</li> <li>(f) the date and activities undertaken where additional <i>planting</i> is required.</li> </ul>

**8. Reporting**

The permit holder must provide to the *CEO* the records required under condition 7 of this permit when requested by the *CEO*.

## DEFINITIONS

In this permit, the terms in Table 2 have the meanings defined.

**Table 2: Definitions**

Term	Definition
CEO	Chief Executive Officer of the department responsible for the administration of the clearing provisions under the <i>Environmental Protection Act 1986</i> .
clearing	has the meaning given under section 3(1) of the EP Act.
condition	a condition to which this clearing permit is subject under section 51H of the EP Act.
fill	means material used to increase the ground level, or to fill a depression.
dieback	means the effect of <i>Phytophthora</i> species on native vegetation.
department	means the department established under section 35 of the <i>Public Sector Management Act 1994</i> (WA) and designated as responsible for the administration of the EP Act, which includes Part V Division 3.
dry conditions	means when soils (not dust) do not freely adhere to rubber tyres, tracks, vehicle chassis or wheel arches.
environmental specialist	means a person who holds a tertiary qualification in environmental science or equivalent, and has experience relevant to the type of environmental advice that an environmental specialist is required to provide under this Permit, or who is approved by the CEO as a suitable environmental specialist
EP Act	<i>Environmental Protection Act 1986</i> (WA)
fauna specialist	means a person who holds a tertiary qualification specialising in environmental science or equivalent, and has a minimum of 2 years work experience in fauna identification and surveys of fauna native to the region being inspected or surveyed, or who is approved by the CEO as a suitable fauna specialist for the bioregion, and who holds a valid fauna licence issued under the <i>Biodiversity Conservation Act 2016</i> .
mulch	means the use of organic matter, wood chips or rocks to slow the movement of water across the soil surface and to reduce evaporation.
native vegetation	has the meaning given under section 3(1) and section 51A of the EP Act.
optimal time	means the period from May to July for undertaking planting
planting	means the re-establishment of vegetation by creating favourable soil conditions and planting seedlings of the desired species
revegetate/ed/ion	means the re-establishment of a cover of local provenance native vegetation in an area using methods such as natural regeneration, direct seeding and/or planting, so that the species composition, structure and density is similar to pre-clearing vegetation types in that area
suitable habitat (south-western brush-tailed phascogale)	Means habitat for southwestern brush-tailed phascogale ( <i>Phascogale tapoatafa</i> ) characterised by dry sclerophyll forests and open woodlands that contain hollow bearing trees but a sparse ground cover
suitable habitat (western ringtail possum)	means habitat known to support western ringtail possums ( <i>Pseudocheirus occidentalis</i> ) within the known current distribution of the species, typically characterised by abundant foliage, presence of

Term	Definition
	suitable nesting structures such as tree hollows, as well as high canopy cover and continuity. Known habitat includes peppermint ( <i>Agonis flexuosa</i> ) dominated woodlands, jarrah ( <i>Eucalyptus marginata</i> ) and marri ( <i>Corymbia calophylla</i> ) forests, riparian vegetation with a canopy of Bullich ( <i>Eucalyptus megacarpa</i> ) or flooded gum ( <i>Eucalyptus rudis</i> ), karri ( <i>Eucalyptus diversicolor</i> ) forests, sheoak ( <i>Allocasuarina fraseriana</i> ) dominated woodlands, and other stands of myrtaceous trees growing near swamps, watercourses or floodplains.
weeds	means any plant – (a) that is a declared pest under section 22 of the <i>Biosecurity and Agriculture Management Act 2007</i> ; or (b) published in a Department of Biodiversity, Conservation and Attractions species-led ecological impact and invasiveness ranking summary, regardless of ranking; or (c) not indigenous to the area concerned.
western ringtail possum specialist	means a <i>fauna specialist</i> who holds a tertiary qualification specialising in environmental science or equivalent, has a minimum of two years of work experience in western ringtail possum ( <i>Pseudocheirus occidentalis</i> ) identification, surveys of western ringtail possums and capture and handling of western ringtail possums, and holds a valid fauna licence issued under the <i>Biodiversity Conservation Act 2016</i> .

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**END OF CONDITIONS**



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Ryan Mincham  
 MANAGER  
 NATIVE VEGETATION REGULATION

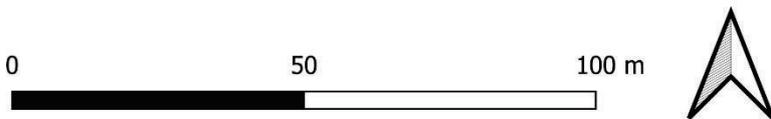
*Officer delegated under Section 20  
 of the Environmental Protection Act 1986*

# SCHEDULE 1



## Legend

-  CPS areas approved to clear
-  Land Tenure (LGATE\_226) - SLIP
-  Local Government Authorities



**Figure 1: Map of the boundary of the area within which clearing may occur**



**Figure 2: Map of the boundary of the area within which conditions apply**



# Clearing Permit Decision Report

## 1 Application details and outcome

### 1.1. Permit application details

<b>Permit number:</b>	CPS 10625/1
<b>Permit type:</b>	Area permit
<b>Applicant name:</b>	Mr Ayden Batchelor and Ms Candice O'Shannessy
<b>Application received:</b>	6 May 2024
<b>Application area:</b>	0.095 hectares of native vegetation
<b>Purpose of clearing:</b>	Dam construction
<b>Method of clearing:</b>	Mechanical
<b>Property:</b>	Lot 11 on Deposited Plan 56472
<b>Location (LGA area/s):</b>	Donnybrook-Balingup
<b>Localities (suburb/s):</b>	Mumballup

### 1.2. Description of clearing activities

The application is to clear a small area of native vegetation to construct a dam that will be used to supply water for bushfire unit refilling and livestock. The area proposed to be cleared is contained within a single area surrounded by remnant vegetation (see Figure 1, Section 1.5).

### 1.3. Decision on application

<b>Decision:</b>	Granted
<b>Decision date:</b>	2 December 2024
<b>Decision area:</b>	0.095 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),
- photographs of the application area (see Appendix D),
- the clearing principles set out in Schedule 5 of the EP Act (see Appendix C), and
- relevant planning instruments and any other matters considered relevant to the assessment (see Section 3).

The assessment identified that the proposed clearing:

- will impact foraging habitat for black cockatoo species and suitable habitat for chuditch, western ringtail possum, south-western brush-tailed phascogale and western brush wallaby, however, impacts are not likely to be significant;

- may result in the introduction and spread of weeds and dieback into the adjacent Wellington National Park; and
- may result in temporary and localised water erosion likely to be minor in scale, however, significant impacts to the watercourse within the application area or its downstream receptors are unlikely.

After consideration of the available information, as well as the applicant's minimisation and mitigation measures (see Section 3.1), the Delegated Officer determined these impacts can be minimised and managed such that they are unlikely to lead to an unacceptable risk to environmental values.

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 and dieback,
- take steps to monitor and manage any western ringtail possum and south-western brush-tailed phascogale individuals present within the application area;
- revegetate and rehabilitate an area west of the application area;
- undertake erosion management actions, including limiting clearing to dry conditions and requiring the clearing and dam construction to occur successively.

### 1.5. Site map



#### Legend

-  CPS areas approved to clear
-  Land Tenure (LGATE\_226) - SLIP
-  Local Government Authorities



**Figure 1.** Map of the application area. The area cross-hatched yellow indicates the area 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)
- *Conservation and Land Management Act 1984* (WA) (CALM Act)
- *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act)
- *Rights in Water and Irrigation Act 1914* (RIWI 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 2019a)

## 3 Detailed assessment of application

### 3.1. Avoidance and mitigation measures

#### Avoidance

The applicant advised that the reason the site was selected was due to the presence of a natural gully and winter watercourse meaning that they would not need to conduct bulk earthworks to construct an off-stream dam. Furthermore, they advised that the vegetation within the proposed clearing area is younger than much of the existing vegetation on the property. Based on the photographs provided, the proposed clearing will avoid mature vegetation surrounding the application area.

The applicant advised that there has been a large amount of revegetation on the property within the last 25 years. While the clearing of revegetation would not require a permit, the amount of clearing would be a lot larger than that proposed to be cleared within the application area, with the applicant having observed more wildlife in the revegetated areas.

#### Mitigation

The applicant only intends to clear enough vegetation to enable the construction of the dam. They have advised that they intend to maintain the vegetation surrounding the proposed dam to provide shade to the dam to minimise evaporation and provide shade to wildlife and livestock in the area that may use the dam.

The Delegated Officer was satisfied that the applicant has undertaken reasonable measures 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 C) 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 A) identified that the risk of impacts of the proposed clearing to biological values (fauna), conservation areas and water resources required further assessment. 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 (flora) - Clearing Principle (a)

##### Assessment

Two conservation significant flora species have been recorded within the local area, one of which, *Stylidium acuminatum* subsp. *acuminatum*, has been recorded within the same mapped soil and vegetation types as those

present within the application area. However, this species is often found along hillslopes (Western Australian Herbarium, 1998-), and not watercourses. Furthermore, the photographs indicate there is limited understorey within the application area and the area has previously been cleared (Batchelor, 2024). As such, it is considered unlikely that this species would occur within the application area.

#### Conclusion

Based on the above assessment, the proposed clearing is unlikely to impact upon conservation significant flora species.

#### Conditions

Nil

### **3.2.2. Biological values (fauna) - Clearing Principles (a) and (b)**

#### Assessment

Based on a likelihood of occurrence assessment and photographs provided by the applicant, the application area may provide suitable habitat for the following conservation significant fauna species recorded within the local area:

- Baudin's cockatoo (*Zanda baudinii*) (EN)
- Carnaby's cockatoo (*Zanda latirostris*) (EN)
- forest red-tailed black cockatoo (*Calyptorhynchus banksii naso*) (VU)
- chuditch (*Dasyurus geoffroi*) (VU)
- western ringtail possum (*Pseudocheirus occidentalis*) (CR)
- south-western brush-tailed phascogale (*Phascogale tapoatafa wambenger*) (CD)
- western brush wallaby (*Notamacropus Irma*) (Priority 4)

#### **Black cockatoos**

The application area is within the breeding range of Baudin's cockatoo, forest-red tailed black cockatoo and Carnaby's cockatoo (hereafter referred to as black cockatoo species) (DAWE, 2022). These species nest in suitable hollows in live or dead trees, including within marri (*Corymbia calophylla*) trees, with a diameter at breast height (DBH) of greater than 50 cm (DAWE, 2022). Photographs of the proposed clearing area indicate that the trees are not of a sufficient size to be suitable for breeding (see Appendix D). This is also further confirmed by the applicant who advised that much of the vegetation is regrowth of approximately 20 to 25 years old (Batchelor, 2024). Therefore, the proposed clearing area is not likely to contain suitable breeding habitat for black cockatoos.

Foraging habitat differs between the three species of black cockatoos; however, marri is a primary foraging species used by all three black cockatoo species (DAWE, 2022). Food resources within the range of roosting and breeding sites are important to sustain populations of black cockatoos, and foraging resources should therefore be viewed in the context of the proximity to the known night roosting and breeding sites to the application area. While breeding, black cockatoos will generally forage within a 6-to-12-kilometre radius of their nesting site (DAWE, 2022). During the non-breeding period, black cockatoos will mainly forage in areas up to 20 km from known night roosting habitat, though in some cases, foraging distances can be greater (DAWE, 2022). This variable range indicates large areas of foraging habitat are required to support black cockatoo populations. Cumulative impacts of the loss of remnant vegetation restrict the availability of food sources for black cockatoos (DAWE, 2022).

It is noted that there are multiple roosting sites recorded within 20 kilometres of the application area. While no breeding sites are recorded within a 20-kilometre radius, it is likely that breeding occurs within Wellington National Park. As such, the marri trees within the application area may support foraging by roosting and breeding populations. However, noting that approximately 70.77 per cent of the pre-European vegetation is remaining in the local area, the majority of which is likely to be suitable foraging habitat and approximately 96 per cent of which is contained within conservation tenure, in the context of the surrounding landscape the proposed clearing is not considered likely to result in significant impacts to black cockatoo foraging habitat. As a condition of the permit, the applicant is required to plant marri trees adjacent to the clearing area, which will reinstate black cockatoo foraging habitat in the future.

Black cockatoos usually roost in the tallest trees of an area, including within marri trees, and near both a food supply and surface water (DAWE, 2022). While the application area contains marri trees, the trees proposed to be cleared are relatively small. As such, particularly within the context of the abundance of native forest within the local area likely to contain suitable roosting habitat, the proposed clearing is not likely to significantly impact on the availability of suitable roost sites for black cockatoos.

#### **Chuditch**

Habitat critical to the chuditch includes forest, mallee shrublands, woodland and desert areas that have adequate den resources (hollows, burrows and crevices), adequate prey resources and large remnants (DEC, 2012a).

Corridors of retained vegetation are important linkages for the chuditch (DEC, 2012a). Vegetation in the application area is likely to be suitable to support chuditch individuals moving through the area to the National Park, however, is not considered significant habitat given the apparent lack of den resources and the small size of the encompassing vegetation remnant. As a condition of the permit, the applicant is required to plant marri trees adjacent to the clearing area, which will reinstate a vegetation corridor for chuditch to move through in the future.

#### **Western ringtail possum**

Habitat critical for the western ringtail possum (WRP) is generally long unburnt vegetation with high canopy connectivity and habitat connecting patches of remnants (DPAW, 2017). The proposed clearing is between the Swan Coastal Plain management zone and Southern Forest Management zone, in which vegetation communities critical to the species are long unburnt mature remnants of *Agonis flexuosa* (peppermint) woodlands with high canopy continuity and high foliage nutrients and jarrah/marri forests and woodlands with limited anthropogenic disturbance (unlogged or lightly logged, and a low intensity and low frequency fire history), that are intensively fox-baited and have low indices of fragmentation (DPAW, 2017).

Noting the application area contains marri forest with reasonable canopy connectivity along a watercourse (meaning vegetation is likely to have relatively high foliage nutrients) and that it is close to Wellington National Park, the proposed clearing may act as an ecological linkage for individuals moving through the area. However, noting the extent of the proposed clearing in the context of the local area, where better quality vegetation baited for predators is present (including Wellington National Park), the application area is not considered significant habitat for WRP. Fauna management conditions on the permit will prevent impacts to WRP individuals that may be moving through the area. Furthermore, as a condition of the permit, the applicant is required to plant marri trees adjacent to the clearing area, which will reinstate a vegetation corridor for WRP to move through in the future.

#### **South-western brush-tailed phascogale**

The south-western brush-tailed phascogale is found in dry sclerophyll forests and open woodlands that contain hollow-bearing trees, characterised by high canopy cover and connectivity (DEC, 2012b). Records are less common in high rainfall areas (DEC, 2012b). Based on the above, while suitable vegetation may be present to support individuals moving through the area to the National Park, the application area is not considered to be significant habitat for south-western brush-tailed phascogale given the lack of trees large enough to contain hollows and the extent of the clearing in the context of the vegetation present in the local area. Fauna management conditions on the permit will prevent impacts to south-western brush-tailed phascogale individuals that may be moving through the area. Furthermore, as a condition of the permit, the applicant is required to plant marri trees adjacent to the clearing area, which will reinstate a vegetation corridor for south-western brush-tailed phascogale to move through in the future.

#### **Western brush wallaby**

Western brush wallaby inhabit open forest or woodland, particularly favouring open, seasonally-wet flats with low grasses and open scrubby thickets, also found in some areas of mallee and heath-land, and is uncommon in karri forest (DEC, 2012c) Based on the above, the application area may provide habitat for western brush wallaby, however, noting the extent of the proposed clearing in the context of the local area, where a significant amount of better quality vegetation is present (including Wellington National Park), it is not considered to be significant habitat.

#### Conclusion

Based on the above assessment, while the application area contains foraging habitat for black cockatoo species and suitable habitat for chuditch, western ringtail possum, south-western brush-tailed phascogale and western brush wallaby, it is not considered to be significant habitat for these species. For the reasons set out above, it is considered that the impacts of the proposed clearing on these values can be managed through fauna management conditions and the planting of marri trees west of the application area.

#### Conditions

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

- Take steps to monitor and manage any western ringtail possum and south-western brush-tailed phascogale individuals present within the application area
- Revegetation and rehabilitation of an area west of the application area.

### 3.2.3. Significant remnant vegetation and conservation areas (conservation area) - Clearing Principles (e) and (h)

#### Assessment

The proposed clearing area is part of a local ecological linkage connecting planted vegetation to the south, to vegetation (including Wellington National Park) to the north. The proposed clearing will not sever this linkage completely, as a small strip of vegetation will remain on either side of the application area. Revegetation to the west of the application area has been conditioned on the permit and will enhance local scale linkage function.

The proposed clearing is mapped along a minor, non-perennial tributary of the Preston River. The Preston River traverses a small portion of Wellington National Park as well as contiguous vegetation to its south. The proposed clearing may result in the spread of dieback and weeds through the mobilisation of contaminated water from the proposed clearing area to the National Park via the Preston River. Wellington National Park is composed of jarrah-marri forests which can be susceptible to dieback. Dieback is a disease caused by *Phytophthora cinnamomi* which is a soil-borne microscopic organism that attacks the roots and collar of susceptible species (Commonwealth of Australia, 2018). The south-west of Western Australia is vulnerable to dieback due to the Mediterranean climate (Commonwealth of Australia, 2018). *P. cinnamomi* is transmitted through infected soil, water, plant material and often through overland and subsurface water flow with greater movement along clay soils and peat (Commonwealth of Australia, 2018). Humans are the fastest transmitter of dieback, especially in areas subject to summer rainfall which create ideal conditions for spread and reproduction.

Noting the above, the clearing activities may introduce and spread weeds and dieback into the adjacent National Park. Weed and dieback management conditions should be implemented to minimise this risk. Limiting clearing to dry conditions will also reduce the risk of spread of dieback via the watercourse.

#### Conclusion

Based on the above assessment, the proposed clearing may result in the introduction and spread of weeds and dieback into the adjacent Wellington National Park. For the reasons set out above, it is considered that the impacts of the proposed clearing on ecological linkages and adjacent conservation areas can be managed by revegetation and rehabilitation of an area west of the application area, management actions to minimise the risk of the introduction and spread of weeds and dieback, and undertaking clearing only during dry conditions.

#### Conditions

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

- Revegetation and rehabilitation of an area west of the application area
- Weed and dieback management actions
- Erosion management actions, including limiting of clearing to dry conditions

### 3.2.4. Land and water resources - Clearing Principles (f) and (i)

#### Assessment

The application area intersects a perennial watercourse within the Preston River Catchment. The Preston River has been subject to ongoing disturbance through the alteration of its hydrology such as the Glen Mervyn and Thomson Brook dams and the straightening of the river near Bunbury and while some areas have forested remnants, much of the southern catchment has been cleared (DWER, 2024). Clearing of native vegetation surrounding watercourses can cause short term soil disturbance, which in turn can result in sedimentation and increased turbidity within watercourses and their downstream receptors. Native vegetation around watercourses also acts as a buffer, providing protection from erosion, weeds, pathogens, nutrients and chemicals, particularly in agricultural areas.

In the context of the minor and perennial nature of the watercourse, the approximately 20-metre-wide buffer of vegetation that will be retained either side of the proposed dam is considered sufficient to protect the watercourse from potential impacts from the surrounding clearing for agriculture. While the proposed clearing may result in some erosion in the short-term, noting the size of the application area and the perennial nature of the watercourse, this is likely to only be temporary, localised and of a minor scale that is unlikely to result in significant impacts to water quality in the watercourse or Preston River which is located downstream. Conditions placed on the permit requiring the clearing and dam construction to occur successively and clearing to only occur during dry conditions will further minimise impacts to water quality from erosion.

Noting the perennial and minor nature of the watercourse and the photographs provided by the applicant (Batchelor, 2024), it is considered unlikely that the application area supports a significant refuge for aquatic flora or fauna species that would be impacted by the proposed clearing.

### Conclusion

Based on the above assessment, the proposed clearing may result in temporary, localised water erosion that is of a minor scale and unlikely to significantly impact the watercourse within the application area or its downstream receptors. For the reasons set out above, it is considered that the above impacts can be managed through management conditions.

### Conditions

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

- Weed and dieback management actions
- Erosion management actions, including limiting of clearing to dry conditions and requiring the clearing and dam construction to occur successively

### **3.3. Relevant planning instruments and other matters**

The Shire of Donnybrook-Balingup advised DWER that local government approvals are not required and that the proposed clearing is consistent with the Shire's Local Planning Scheme (Shire of Donnybrook-Balingup, 2024). The Shire did not have any objections to the proposed clearing.

The proposed clearing is mapped within the Preston Valley Irrigation District under the *Rights in Water and Irrigation Act 1914* (RIWI Act). Advice received from the Department's water licencing branch notes that because the proposal is not within a surface water area, no surface water licence or permit to interfere with the bed and banks of a watercourse is required (DWER, 2024b).

No Aboriginal sites of significance have been mapped within the application area. It is the permit holder's responsibility to comply with the *Aboriginal Heritage Act 1972* (WA) and ensure that no Aboriginal Sites of Significance are damaged through the clearing process.

The applicant has advised the following regarding the proposed dam:

- once the dam reaches capacity, the overflow will continue down the usual watershed course thus there should be no added erosion.
- the proposed dam area has trees higher on the banks that will remain so as to provide shade from the sun, stopping evaporation of surface water during the hottest months and still providing habit for native and domestic animals with a water supply close (Batchelor, 2024)

The applicant has been provided DWER's *Dam construction and operation in rural areas* (2019) guide to inform the dam design, construction and management.

**End**

## Appendix A. Site characteristics

### A.1. Site characteristics

Characteristic	Details
Local context	<p>The area proposed to be cleared is part of an expansive tract of native vegetation in the intensive land use zone of Western Australia. It is surrounded by remnant vegetation and adjacent to previously cleared farmland. The proposed clearing area is on the edge of a large remnant of native vegetation.</p> <p>Spatial data indicates the local area (10-kilometre radius from the centre of the area proposed to be cleared) retains approximately 70.77 per cent of the original native vegetation cover.</p>
Ecological linkage	<p>The proposed clearing area is not mapped within a formal ecological linkage, with the nearest mapped linkage being a South West Regional Ecological Linkage, located approximately 1.5 km from the application. The proposed clearing area is part of a local ecological linkage associated with the watercourse connecting vegetation within the property to the south to vegetation to the north, including Wellington National Park.</p>
Conservation areas	<p>The proposed clearing area is not mapped within a conservation area. The nearest conservation area is Wellington National Park, located approximately 0.2 km from the application.</p>
Vegetation description	<p>Photographs and information supplied by the applicant indicates the vegetation within the proposed clearing area consists of marri forest with minimal mid and understorey and dense leaf litter. Representative photos are available in Appendix D.</p> <p>This is consistent with the mapped vegetation type(s):</p> <ul style="list-style-type: none"> <li>Grimwade Complex, which is described as Tall open forest to open forest of <i>Corymbia calophylla-Eucalyptus marginata</i> subsp. <i>marginata</i> with <i>Eucalyptus patens</i> on slopes and <i>Eucalyptus rudis</i> over some <i>Agonis flexuosa</i> on lower slopes in the humid zone.</li> </ul> <p>The mapped vegetation type retains approximately 50.27 per cent of the original extent (Government of Western Australia, 2019).</p>
Vegetation condition	<p>Photographs supplied by the applicant indicate the vegetation within the proposed clearing area is in good to very good (Keighery, 1994) condition.</p> <p>The full Keighery (1994) condition rating scale is provided in Appendix C. Representative photos are available in Appendix D.</p>
Climate and landform	<p>The proposed clearing is located in the South West Region of Western Australia which has a temperate climate characterised by warm summers and cold winters. The nearest town to the application is Collie which has an average maximum temperature of 22.5 degrees Celsius and a mean annual rainfall of 919.4 mm.</p> <p>The landform of the proposed clearing area is described as Moderately deep valleys (30-70 m) incised into granitic terrain.</p>
Soil description	<p>The soil is mapped as the Grimwade subsystem which is described as Moderately deep valleys (30-70 m) in granite. Soils are loamy earths and loamy gravels (DPIRD, 2019).</p>
Land degradation risk	<p>The soil type is mapped as being at high risk for land degradation from subsurface acidification, moderate risk for wind erosion, water erosion and phosphorous export, and low risk for other land degradation issues.</p>
Waterbodies	<p>The desktop assessment and aerial imagery indicated that one minor, non-perennial tributary of the Preston River intersects the proposed clearing area.</p>

Characteristic	Details
Hydrogeography	<p>The proposed clearing area is mapped within the Preston Valley Irrigation District, Proclaimed under the RIWI Act.</p> <p>Hydrogeology: Rocks of Low Permeability, Fractured and Weathered Rocks - Local Aquifers (gneiss, migmatite lithology)</p> <p>Groundwater salinity: 500-1000 mg/L TDS</p>
Flora	<p>The desktop assessment identified two flora species of conservation significance within the local area (10 km radius) (see Table A.2 below). The nearest record is Priority 2 species <i>Stylidium acuminatum</i> subsp. <i>acuminatum</i>, which was recorded approximately 2.13 km away.</p>
Ecological communities	<p>The desktop assessment did not identify any threatened or priority ecological communities within the local area (10 km radius). The nearest community is the "Dardanup Jarrah and Mountain Marri woodland on laterite" Priority 1 Ecological Community, located approximately 29 km from the proposed clearing.</p>
Fauna	<p>Seven Threatened, three priority and one conservation dependent fauna species have been recorded in the local area (10 km radius). The nearest fauna record is from the chuditch (<i>Dasyurus geoffroii</i>) (Vulnerable) which was found approximately 1.01 km from the proposed clearing. Of these 11 species, 10 terrestrial species have been considered in Table A.2. below.</p> <p>The application area is within the known distribution of the forest red-tailed black cockatoo (core distribution), Carnaby's black cockatoo (breeding area), and Baudin's black cockatoo.</p> <p>There are no recorded black cockatoo breeding sites within a 20 km radius of the application area. There are 10 recorded black cockatoo roost sites within a 20km radius of the application area, the closest of which is 1.89 km to the southeast.</p>

## A.2. Flora analysis table

Species name	Conservation status (WA)	Suitable habitat features?	Same mapped vegetation type?	Same mapped soil type?	Distance of closest record to application area (km)	Number of records in local area	Number of Florabase records (total)	Are surveys adequate to identify?
<i>Grevillea prominens</i>	P3	Y	N	N	6.98	1	11	N/A
<i>Stylidium acuminatum</i> subsp. <i>acuminatum</i>	P2	N	Y	Y	2.13	1	11	N/A

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

## A.3. Fauna analysis table

Species name	Conservation status (WA)	Suitable habitat features? [Y/N]	Suitable vegetation type? [Y/N]	Distance of closest record to application area (km)	Number of known records in local area	Are surveys adequate to identify? [Y, N, N/A]
<i>Calyptorhynchus banksii naso</i> (forest red-tailed black cockatoo)	VU	Y	Y	8.00	3	N/A
<i>Dasyurus geoffroii</i> (chuditch, western quoll)	VU	Y	N	1.01	9	N/A
<i>Hydromys chrysogaster</i> (rakali)	P4	N	Y	1.98	3	N/A
<i>Isodon fusciventer</i> (quenda, southwestern brown bandicoot)	P4	N	Y	2.01	3	N/A
<i>Myrmecobius fasciatus</i> (numbat)	EN	N	Y	9.03	1	N/A
<i>Notamacropus irma</i> (western brush wallaby)	P4	Y	Y	7.41	2	N/A

Species name	Conservation status (WA)	Suitable habitat features? [Y/N]	Suitable vegetation type? [Y/N]	Distance of closest record to application area (km)	Number of known records in local area	Are surveys adequate to identify? [Y, N, N/A]
<i>Phascogale tapoatafa wambenger</i> (south-western brush-tailed phascogale, wambenger)	CD	Y	Y	1.09	6	N/A
<i>Pseudocheirus occidentalis</i> (western ringtail possum, ngwayir)	CR	Y	Y	6.28	2	N/A
<i>Zanda baudinii</i> (Baudin's cockatoo)	EN	Y	Y	1.04	4*	N/A
<i>Zanda latirostris</i> (Carnaby's cockatoo)	EN	Y	Y	1.88	8*	N/A

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

\* An additional 7 records of *Zanda* sp. 'white-tailed black cockatoo' (white-tailed black cockatoo) were present within the local area, which may comprise either of these species

**Appendix B. Assessment against the clearing principles**

Assessment against the clearing principles	Variance level	Is further consideration required?
<b>Environmental value: biological values</b>		
<p><u>Principle (a):</u> "Native vegetation should not be cleared if it comprises a high level of biodiversity."</p> <p><u>Assessment:</u></p> <p>The area proposed to be cleared is not likely to contain conservation significant assemblages of plants. While one conservation significant flora species has been recorded within the local area within the same mapped soil and vegetation type, the habitat within the application area is unlikely to support this species.</p> <p>The area proposed to be cleared represents suitable fauna habitat given it comprises of jarrah and marri which are primary foraging species for threatened black cockatoos.</p>	Not likely to be at variance	Yes <i>Refer to Sections 3.2.1 and 3.2.2 above.</i>
<p><u>Principle (b):</u> "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."</p> <p><u>Assessment:</u></p> <p>The area proposed to be cleared contains foraging habitat for threatened black cockatoos and suitable habitat for chuditch, western ringtail possum, south-western brush-tailed phascogale and western brush wallaby.</p>	At variance	Yes <i>Refer to Section 3.2.1, above.</i>
<p><u>Principle (c):</u> "Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, threatened flora."</p> <p><u>Assessment:</u></p> <p>No threatened flora species is recorded within the local area, with the nearest threatened flora record approximately 14 km away. Suitable habitat features for this species are not present within the application area.</p>	Not likely to be at variance	No
<p><u>Principle (d):</u> "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."</p> <p><u>Assessment:</u></p> <p>The area proposed to be cleared does not contain species indicative of a threatened ecological community</p>	Not likely to be at variance	No

Assessment against the clearing principles	Variance level	Is further consideration required?
<b>Environmental value: significant remnant vegetation and conservation areas</b>		
<p><u>Principle (e):</u> <i>“Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared.”</i></p> <p><u>Assessment:</u></p> <p>The extent of the mapped vegetation type and native vegetation in the local area is consistent with the national objectives and targets for biodiversity conservation in Australia.</p>	Not likely to be at variance	Yes <i>Refer to Section 3.2.3, above.</i>
<p><u>Principle (h):</u> <i>“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.”</i></p> <p><u>Assessment:</u></p> <p>Noting the clearing impacts a tributary of the Preston River, which traverses Wellington National Park, there is a possibility that the clearing may result in impacts to this conservation area.</p>	May be at variance	Yes <i>Refer to Section 3.2.3, above.</i>
<b>Environmental value: land and water resources</b>		
<p><u>Principle (f):</u> <i>“Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.”</i></p> <p><u>Assessment:</u></p> <p>A watercourse associated with the Preston River is mapped within the proposed clearing area, therefore the vegetation within the application is growing in an environment associated with a watercourse.</p>	At variance	Yes <i>Refer to Section 3.2.4, above.</i>
<p><u>Principle (g):</u> <i>“Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.”</i></p> <p><u>Assessment:</u></p> <p>The mapped soils are highly or moderately susceptible to sub-surface acidification, phosphorus export, water erosion and wind erosion. Noting the extent and purpose of the application area and the condition of the vegetation, the proposed clearing is not likely to have an appreciable impact on land degradation.</p>	Not likely to be at variance	No
<p><u>Principle (i):</u> <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.”</i></p> <p><u>Assessment:</u></p> <p>Given that a watercourse associated with the Preston River intersects the proposed clearing, the proposed clearing may impact on surface water quality, however, impacts are unlikely to be significant.</p>	May be at variance	Yes <i>Refer to Section 3.2.4, above.</i>
<p><u>Principle (j):</u> <i>“Native vegetation should not be cleared if the clearing of the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.”</i></p> <p><u>Assessment:</u></p> <p>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.</p>	Not likely to be at variance	No

## 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 Keighery (1994) scale below was used to measure the condition of the vegetation proposed to be cleared.

### 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 D.1.** Photographs of the vegetation proposed to be cleared and surrounding vegetation (Batchelor, 2024).

## Appendix E. Sources of information

### E.1. GIS databases

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

- 10 Metre Contours (DPIRD-073)
- Aboriginal Heritage Places (DPLH-001)
- Cadastre (LGATE-218)
- 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

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)

## E.2. References

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