



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: CPS 10955/1
File Number: DWERVT17928
Duration of Permit: From 8 November 2025 to 8 November 2032

PERMIT HOLDER

Peter Bradley McGinty
Emily Fay Carmichael

LAND ON WHICH CLEARING IS TO BE DONE

Lot 3215 on Deposited Plan 254018, Newlands

AUTHORISED ACTIVITY

The permit holder must not clear more than five (5) native trees 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 8 November 2027.

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. Directional clearing

The permit holder must:

- (a) conduct clearing activities in a slow, progressive manner in a northern direction, towards adjacent *native vegetation*; and
- (b) allow a reasonable time for fauna present within the area being cleared to move into adjacent *native vegetation* ahead of the *clearing* activity.

5. Revegetation and rehabilitation

- (a) Within 12 months of undertaking clearing authorised under this permit and no later than 8 November 2028, the permit holder must undertake deliberate *planting* of at least eight (8) *Corymbia calophylla* trees within the area cross-hatched red in Figure 2 of Schedule 1 by:
 - (i) ensuring only *local provenance* species are used;
 - (ii) ensuring *planting* is undertaken at the *optimal time*; and
 - (iii) undertaking *weed* control and watering of *plantings* for at least two years post *planting*.
- (b) Within 24 months of *planting* the *Corymbia calophylla* trees in accordance with condition 5(a) of this permit, the permit holder must:
 - (i) engage an *environmental specialist* to make a determination that at least eight (8) *Corymbia calophylla* trees will persist and survive; and
 - (ii) if the determination made by the *environmental specialist* under condition 5(b)(i) is that at least eight (8) *Corymbia calophylla* trees will not survive, undertake additional *planting* that will result in at least eight (8) *Corymbia calophylla* trees persisting within the area cross-hatched red in Figure 2 of Schedule 1.
- (c) Where additional *planting* of *Corymbia calophylla* trees is undertaken in accordance with condition 5(b)(ii), the permit holder must repeat the activities required by conditions 5(a) and 5(b).

6. 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	(a) the species composition, structure, and density of the cleared area; (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; (c) the date that the area was cleared; (d) the size of the area cleared (in hectares); (e) actions taken to avoid, minimise, and reduce the impacts and extent of clearing in accordance with condition 2; (f) actions taken to minimise the risk of the

No.	Relevant matter	Specifications
		introduction and spread of <i>weeds</i> and <i>dieback</i> in accordance with condition 3; and (g) actions taken in accordance with condition 4.
2.	In relation to revegetation and rehabilitation pursuant to condition 5.	(a) the size of the <i>planted Corymbia calophylla</i> trees; (b) the date(s) on which the planting was undertaken; (c) the boundaries of the <i>planted</i> area, 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; (d) a description of the <i>planting</i> activities undertaken pursuant to condition 5, including actions taken to implement watering and weed control; (e) a copy of the <i>environmental specialist's</i> monitoring report and determination; and (f) a description of any <i>remedial actions</i> undertaken pursuant to conditions 5 (b)(ii) and 5(c) where monitoring indicates that the <i>planted</i> trees will not survive.

7. Reporting

The permit holder must provide to the *CEO* the records required under condition 6 of this permit when requested by the *CEO*.

DEFINITIONS

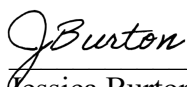
In this permit, the terms in Table 2 have the meanings defined.

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.
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.
dieback	means the effect of <i>Phytophthora</i> species on native vegetation.
environmental specialist	means a person who holds a tertiary qualification in environmental science or equivalent, and has a minimum of 2 years work experience relevant to the type of environmental advice that an environmental specialist is required to provide under this permit, or who is approved by

Term	Definition
	the CEO as a suitable environmental specialist.
EP Act	<i>Environmental Protection Act 1986 (WA)</i>
fill	means material used to increase the ground level, or to fill a depression.
local provenance	means native vegetation seeds and propagating material from natural sources within 100 kilometres and the same Interim Biogeographic Regionalisation for Australia (IBRA) subregion of the area cleared.
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.
planted/ing	means the re-establishment of vegetation by creating soil conditions and planting seedlings of the desired species.
rehabilitate/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.
remedial action/s	means for the purpose of this permit, any activity that is required to ensure successful re-establishment and survival of planted trees.
revegetate/ion	means actively managing an area containing native vegetation in order to improve the ecological function of the area.
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.

END OF CONDITIONS



Jessica Burton

MANAGER

NATIVE VEGETATION REGULATION

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

16 October 2025

SCHEDULE 1

The boundary of the area authorised to be cleared is shown in the map below (Figure 1).

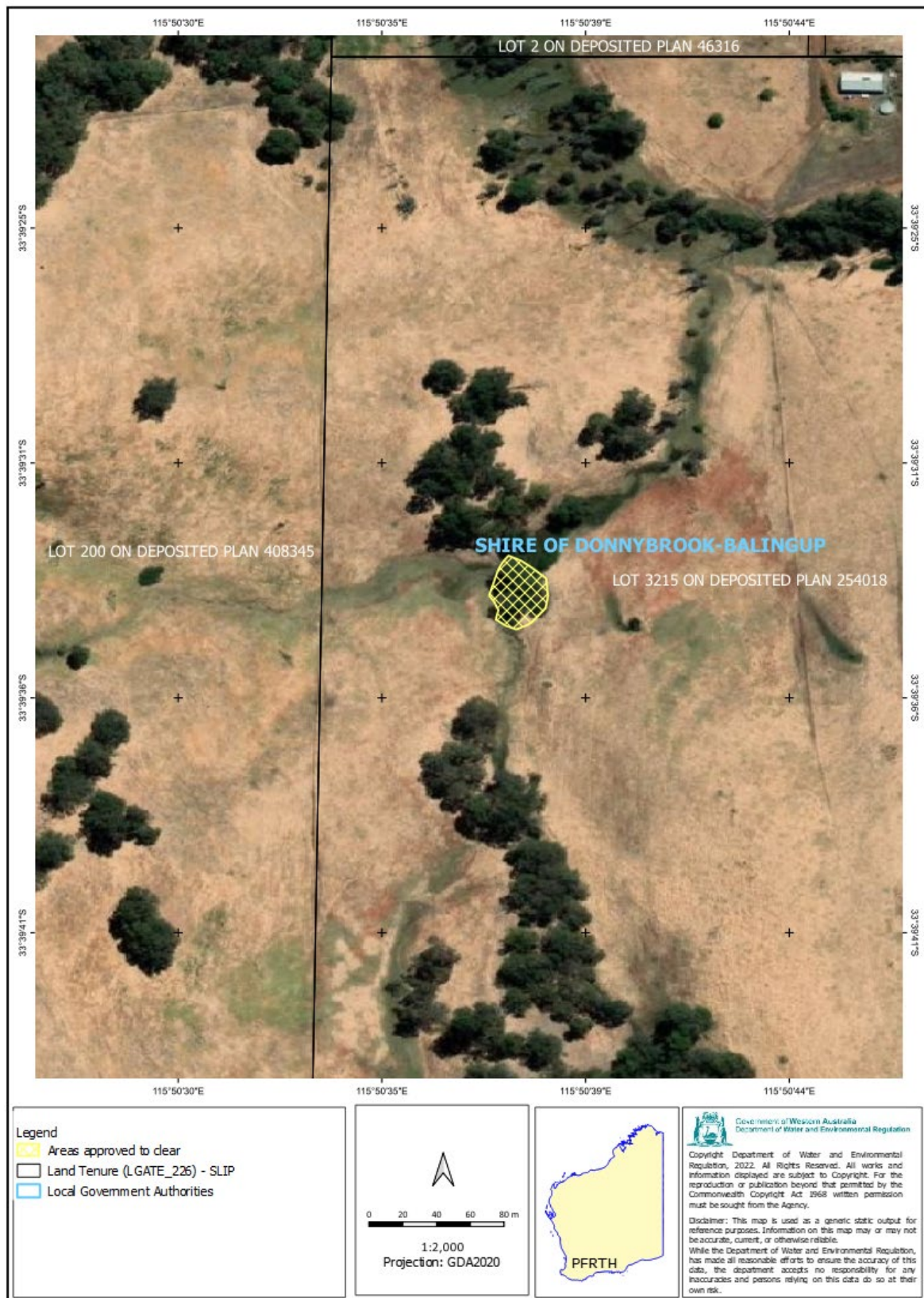


Figure 1: Map of the boundary of the area within which clearing may occur (cross hatched yellow)



Figure 2: Map of the boundary of the area within which *revegetation* and *rehabilitation* pursuant to condition 5 must occur (cross hatched red).



Clearing Permit Decision Report

1 Application details and outcome

1.1. Permit application details

Permit number:	CPS 10955/1
Permit type:	Area permit
Applicant name:	Mr Peter Bradley McGinty Ms Emily Fay Carmichael
Application received:	18 February 2025
Application area:	Five (5) native trees
Purpose of clearing:	Dam construction
Method of clearing:	Mechanical
Property:	Lot 3215 on Deposited Plan 254018
Location (LGA area/s):	Shire of Donnybrook Balingup
Localities (suburb/s):	Newlands

1.2. Description of clearing activities

The vegetation proposed to be cleared comprises a patch of five *Corymbia calophylla* (marri) trees along a creek line within a historically cleared paddock (see Figure 1, Section 1.5).

The trees are proposed to be removed to facilitate the construction of a dam to provide drinking water for stock and as a source of water for household use.

1.3. Decision on application

Decision:	Granted
Decision date:	16 October 2025
Decision area:	Five (5) native trees, as depicted in Section 1.5, below.

1.4. Reasons for decision

This clearing permit application was submitted, accepted, assessed and determined in accordance with sections 51E and 51O of the *Environmental Protection Act 1986* (EP Act). The Department of Water and Environmental Regulation (DWER) advertised the application for 21 days and no submissions were received.

In making this decision, the Delegated Officer had regard for the site characteristics (see Appendix B), relevant datasets (see Appendix F.1), the findings of a DWER site inspection (see Appendix E), the clearing principles set out in Schedule 5 of the EP Act (see Appendix C), relevant planning instruments and any other matters considered relevant to the assessment (see Section 3).

The assessment identified that the proposed clearing will result in:

- the loss of five marri trees that provide significant foraging habitat for black cockatoo species,
- the loss of five native trees that are growing in association with a watercourse,

- potential direct impacts to fauna, if present at the time of the clearing activity, and
- the potential introduction and spread of weeds into adjacent vegetation, which could impact on the quality of the adjacent vegetation and its habitat values.

After consideration of the available information, as well as the applicant's minimisation and mitigation measures (see Section 3.1), the Delegated Officer determined the proposed clearing can be minimised and managed to be unlikely 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,
- undertake slow, progressive one directional clearing to allow terrestrial fauna to move into adjacent habitat ahead of the clearing activity, and
- undertake deliberate planting of at least eight marri trees within an adjacent area of Lot 3215 on Deposited Plan 254018, Newlands, to mitigate the loss of significant foraging habitat for black cockatoo species.

1.5. Site map

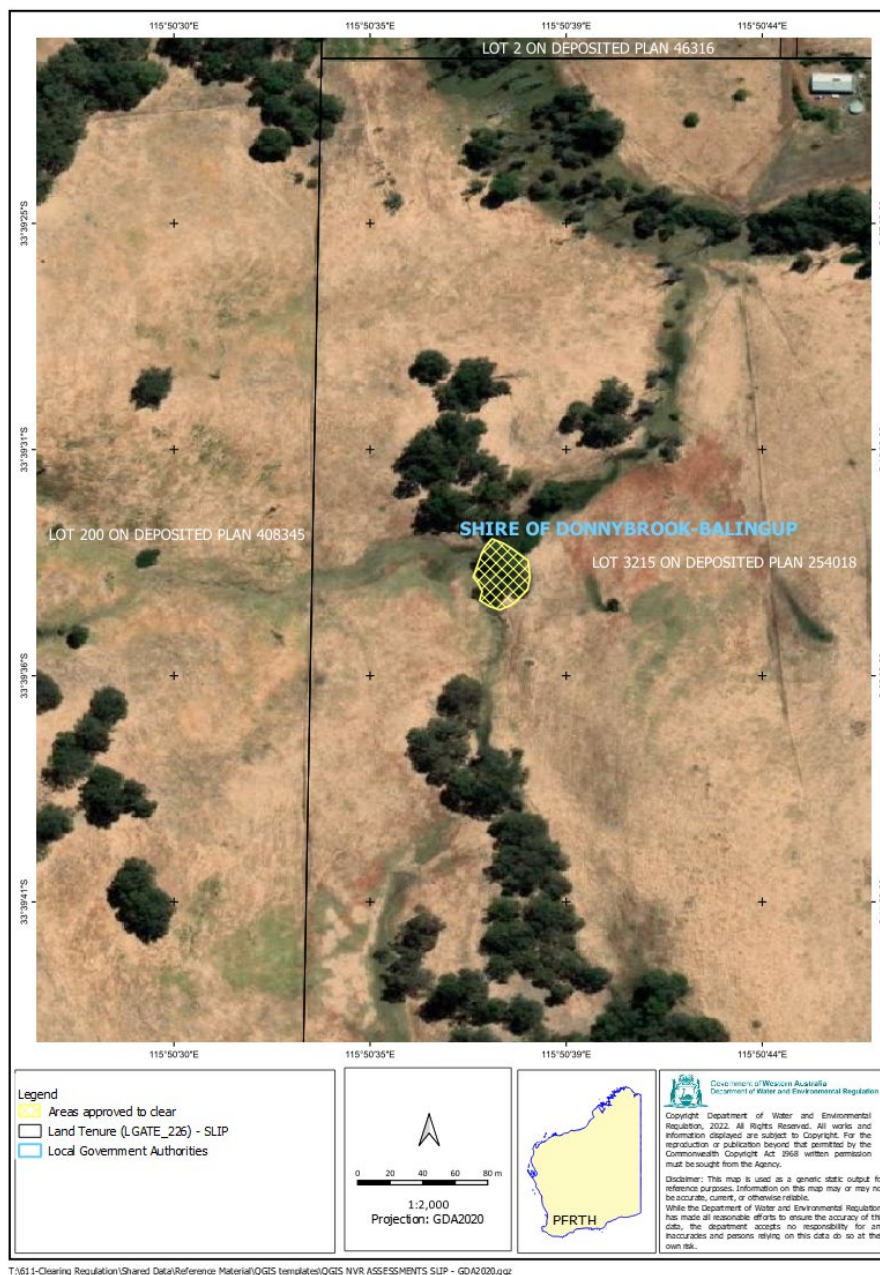


Figure 1 Map of the application area. The area crosshatched yellow indicates the area authorised to be cleared under the granted clearing permit.

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 polluter pays principle
- 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)
- *Rights in Water and Irrigation Act 1914* (WA) (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 2019)

3 Detailed assessment of application

3.1. Avoidance and mitigation measures

The applicant advised that they considered other locations within the property for dam construction, but ultimately determined that the application area was the most suitable given:

- it contains minimal native vegetation compared to other areas of the property closer to the existing dwelling which contain larger areas of better-quality vegetation,
- it intersects a creek line but is also fed by a spring which will assist in water availability for the dam,
- the existing trees are not well supported in the soft, swampy soils at the location, with two of the trees having already fallen, and
- creek lines on other areas of the property are also dammed further upstream from neighbouring properties and to further dam the creek lines was considered inappropriate (DWER, 2025a; McGinty, 2025a).

To mitigate the impacts of the proposed clearing, the applicant proposed to undertake a rehabilitation action within Lot 3215 on Deposited Plan 254018, Newlands, by infill planting eight marri trees adjacent to the application area (see Figure 2 below).

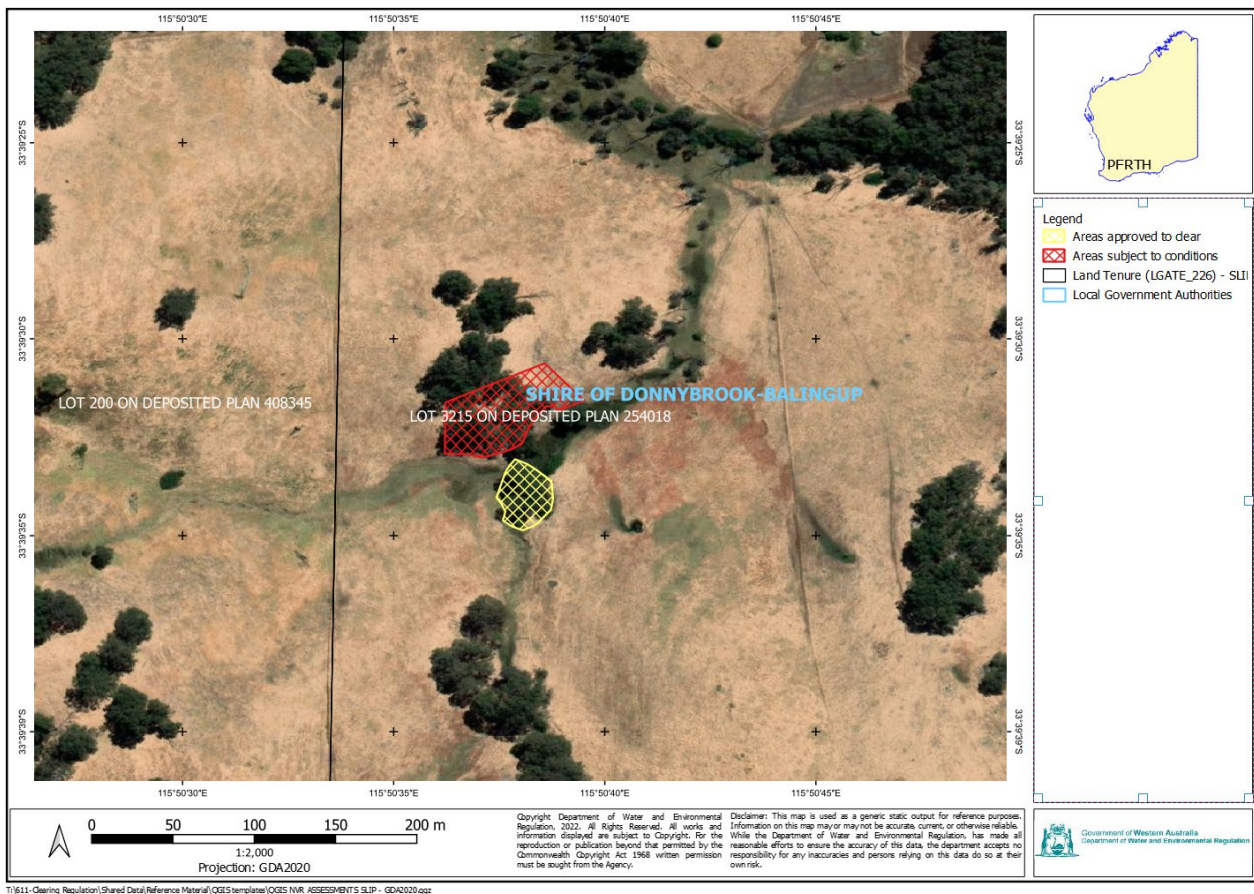


Figure 2. Map of the application area (cross-hatched yellow) and revegetation area (cross-hatched red) in which eight marri trees will be planted to mitigate clearing impacts.

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 B) and the extent to which the impacts of the proposed clearing present a risk to biological, conservation, or land and water resource values.

The assessment against the clearing principles (see Appendix C) identified that the impacts of the proposed clearing present a risk to biological values (fauna), significant remnant vegetation, and land and water resources. 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 (fauna) - Clearing Principle (b)

Assessment

Noting the site characteristics (see Appendix B), photographs supplied by the applicant, the findings of a DWER site inspection (see Appendix E), and the habitat preferences of the conservation significant fauna species recorded in the local area (10-kilometre radius), the application area is considered to contain suitable habitat for the following fauna species:

- *Calyptorhynchus banksii naso* (forest red-tailed black cockatoo) (listed as Vulnerable under the BC Act and EPBC Act),
- *Westralunio carteri* (Carter's freshwater mussel) (listed as Vulnerable under the BC Act and EPBC Act),
- *Zanda baudinii* (Baudin's cockatoo) (listed as Endangered under the BC Act and EPBC Act), and
- *Zanda latirostris* (Carnaby's cockatoo) (listed as Endangered under the BC Act and EPBC Act).

For the purposes of this assessment, Baudin's cockatoo, Carnaby's cockatoo and the forest red-tailed black cockatoo will be collectively referred to as black cockatoo species.

Black cockatoo species

Breeding and roosting habitat

Black cockatoo species are known to nest in hollows of live and dead trees, including marri, jarrah (*Eucalyptus marginata*), karri (*Eucalyptus diversicolor*), wandoo (*Eucalyptus wandoo*), tuart (*Eucalyptus gomphocephala*), flooded gum (*Eucalyptus rudis*), and other *Eucalyptus* spp. (Commonwealth of Australia, 2022). 'Breeding habitat' for black cockatoos includes trees of these species that either have a suitable nest hollow or are of a suitable diameter at breast height (DBH) to develop a nest hollow, where suitable DBH for nest hollows is 500 millimetres for most tree species (Commonwealth of Australia, 2022). Habitat trees that provide potential breeding habitat may also represent suitable roosting habitat for black cockatoo species.

A DWER site inspection identified that only one of the five trees within the application area is of a suitable DBH to produce nesting hollows (DWER, 2025a). However, no trees within the application area were observed to contain hollows of any size (DWER, 2025a). Therefore, the proposed clearing will not result in the loss of suitable breeding trees for black cockatoo species.

The large tree within the application area may provide suitable roosting habitat for black cockatoos. Roosting is typically noted to occur within suitable trees close to an important water source and within an area of quality foraging habitat (Commonwealth of Australia, 2022). The application area is located in close proximity to various tributaries of the Capel River System and contains primary foraging habitat, making it a suitable location for roosting. Individuals were observed flying over the site during the DWER site inspection; however, no evidence of roosting was identified (DWER, 2025a). While black cockatoos have the potential to utilise the site for roosting, the isolated nature of the patch within an existing paddock and lack of other mature trees make it unlikely to be utilised as a regular night roosting site. Noting also the extent of clearing, it is unlikely that the application will result in significant impacts to black cockatoo roosting habitat.

Foraging habitat

Black cockatoo species are noted to forage on a range of plant species, with the primary foraging resources varying between species (Commonwealth of Australia, 2022). Carnaby's cockatoos forage on the seeds, nuts, and flowers of a variety of plants, including Proteaceous species (*Banksia* spp., *Hakea* spp., and *Grevillea* spp.), as well as Eucalyptus species and marri (Valentine and Stock, 2008). Forest red-tailed black cockatoos feed predominantly on the seeds of marri and jarrah, which comprise approximately 90 per cent of their diet (DEC, 2008). Baudin's cockatoos primarily feed on the seeds of marri, but may also forage on the seeds of jarrah and Proteaceous species (DEC, 2008).

Critical habitat is defined as any habitat that provides for feeding, watering, regular night roosting, and potential for breeding for Carnaby's cockatoo (DPAW, 2013) and all marri, karri and jarrah forests, woodlands and remnants in the south-west of Western Australia receiving more than 600 millimetres of annual average rainfall for Baudin's and forest red-tailed black cockatoo (DEC, 2008). Foraging habitat within 12 kilometres of a nesting site and six kilometres of a roosting site is of particular importance in supporting populations (Commonwealth of Australia, 2022; Le Roux, 2017; Glossop, et al., 2011; DPAW, 2013; DEC, 2008).

The application area is not in proximity to significantly support recorded breeding or roosting populations. The closest recorded sites are approximately 14.7 kilometres and 12.9 kilometres, respectively, from the application area. However, as the application area contains primary foraging habitat (marri trees) in the south-west of Western Australia, it is likely to meet the definition of critical habitat for all three black cockatoo species. While no evidence of foraging was identified during the DWER site inspection, individuals were observed flying over the site and local flocks have the potential to forage on trees within the application area (DWER, 2025a).

The clearing of critical habitat has the potential to significantly impact black cockatoo species, noting the cumulative loss of foraging habitat across the species' range. To mitigate the impact arising from the loss of the five marri trees, the applicant has proposed to plant and maintain a minimum of eight marri trees within an adjacent area of Lot 3215 on Deposited Plan 254018, Newlands, to ensure the clearing will not result in a loss of foraging habitat for black cockatoos in the local area. The suitability of this mitigation measure has been assessed through a calculation consistent with the WA Environmental Offsets Metric Calculator and determined that the planting of eight marri trees is sufficient to ensure no significant residual impact remains. The Delegated Officer determined that the rehabilitation action is consistent with the *WA Environmental Offsets Policy* (2011) and *WA Environmental Offsets Guideline* (2014).

Carter's freshwater mussel

Carter's freshwater mussel is associated with slower flowing freshwater lakes, rivers, and streams where sandy sediments are stable and soft enough for burrowing (TSSC, 2018). However, the species has also been observed in lentic systems, including large water supply dams and on-stream farm dams (DWER, 2025c). The greatest densities of Carter's freshwater mussel have been found near the banks of freshwater systems with woody debris and overhanging riparian vegetation (TSSC, 2018). Noting the application area transects a non-perennial tributary of the Capel River System and was observed to have muddy sediment at the time of the DWER site inspection (DWER, 2025a), it may provide suitable habitat for Carter's freshwater mussel.

However, a known Carter's freshwater mussel survey site is located approximately 1.2 kilometres from the application area in a connected tributary and has not identified the species (DWER, 2025c). Based on available databases, there are no existing records or confirmed populations of Carter's freshwater mussel within the Capel River or tributaries. The closest known record is approximately 9.8-kilometres north of the application area in the Preston River. The species is generally sessile and only capable of moving localised distances of 7-10 metres over a long period of time (TSSC, 2018), making it highly unlikely to migrate into the application area. Therefore, it is unlikely that a population of Carter's freshwater mussel occurs within the application area or would be significantly impacted by the proposed clearing.

Conclusion

Based on the above assessment, the proposed clearing will result in the loss of five marri trees that provide foraging habitat for black cockatoo species but is unlikely to significantly impact any other conservation significant fauna species. For the reasons set out above, it is considered that the impacts of the proposed clearing on foraging habitat can be appropriately mitigated and managed through the avoidance, minimisation, mitigation and rehabilitation measures committed to by the applicant.

Conditions

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

- directional clearing, requiring the permit holder to undertake slow directional clearing to allow fauna to move into adjacent vegetation ahead of the clearing activity, and
- revegetation and rehabilitation, requiring the permit holder to undertake deliberate planting of at least eight marri trees within an adjacent area of Lot 3215 on Deposited Plan 254018, Newlands.

3.2.2. Significant remnant vegetation - Clearing Principle (e)

Assessment

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

While the current vegetation extent for the Jarrah Forest Interim Biogeographic Regionalisation of Australia (IBRA) bioregion and the local area is above the 30 per cent threshold, remaining native vegetation in the mapped Balingup vegetation complex is approximately 29.38 per cent (see Appendix B.2). Although the application area is in Completely Degraded (Keighery, 1994) condition, a key component of the Balingup complex is the presence of marri trees (Mattiske and Havel, 1998). Therefore, the application area is broadly representative of the Balingup complex and may be considered a remnant within an extensively cleared vegetation complex.

However, the proposed clearing represents less than 0.001 per cent of remaining native vegetation mapped within the Balingup complex. Noting the condition of the vegetation and the isolation of the patch of trees within an existing paddock, the application area is unlikely to represent a significant remnant of the Balingup complex and the proposed clearing will not significantly reduce its extent.

Given the high weed load within the application area, the proposed clearing has the potential to indirectly impact nearby remnants of the Balingup complex through the spread of weeds and other pathogens. Hygiene management measures are considered sufficient to mitigate this risk.

Conclusion

Based on the above assessment, the proposed clearing will not result in the loss of a significant remnant within an extensively cleared vegetation complex. For the reasons set out above, it is considered that the impacts of the

proposed clearing can be managed to be environmentally acceptable by taking steps to minimise the risk of the introduction and spread of weeds.

Conditions

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

- weed and dieback management measures, requiring the permit holder to take hygiene steps to minimise the risk of the introduction and spread of weeds and dieback to adjacent vegetation.

3.2.3. Land and water resources - Clearing Principles (f), (g) and (i)

Assessment

Water resources

Vegetation within the application area is growing in association with a watercourse, noting it transects a non-perennial tributary of the Capel River System. Based on information obtained from the applicant during a DWER site inspection, the application area may also intersect waterflow from a spring (DWER, 2025a). If the tributary and spring contain water at the time of clearing, the clearing of vegetation has the potential to cause water quality impacts such as turbidity and sedimentation. Therefore, the proposed clearing will result in the loss of vegetation growing in association with a watercourse and may result in impacts surface water quality.

However, given the extent of the proposed clearing, the Completely Degraded (Keighery, 1994) condition of the vegetation, and the isolated nature of the trees, it is unlikely that the clearing will result in significant impacts to waterflow within the tributary or to riparian communities within the Capel River System. Potential downstream impacts to riparian vegetation can be managed through the implementation of hygiene protocols. Impacts to surface water are also likely to be minor and short-term during clearing activities but should resolve following dam construction.

It is acknowledged that the end land-use may impact water resources during dam construction through bed and bank works and water diversion or capture. However, these impacts have been considered through the assessment of a surface water Permit under section 17 of the RIWI Act and are outside the scope of the clearing permit (see Section 3.3).

Land degradation

The mapped soil system has a high risk of land degradation resulting from water erosion, subsurface acidification, and phosphorus export (DPIRD, 2025). Noting the application area consists of an isolated patch of five trees within an existing paddock, the proposed clearing itself is unlikely to result in appreciable land degradation.

It is acknowledged that the end land-use has the potential to cause water erosion by disturbing the banks of an existing watercourse. However, these impacts have been considered through the assessment of a surface water Permit under section 17 of the RIWI Act and are outside the scope of the clearing permit (see Section 3.3).

Conclusion

Based on the above assessment, the proposed clearing will result in the clearing of five trees growing in association with a watercourse and may cause short-term water quality impacts. For the reasons set out above, it is considered that these impacts are unlikely to be significant.

Conditions

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

- weed and dieback management measures, requiring the permit holder to take hygiene steps to minimise the risk of the introduction and spread of weeds and dieback to adjacent vegetation.

3.3. Relevant planning instruments and other matters

The clearing permit application was advertised on DWER's website on 11 March 2025, inviting submissions from the public within a 21-day period. No submissions were received at this time.

Other relevant authorisations required for the proposed land use include:

- Development approval under the *Planning and Development Act 2005* (issued by the Shire of Donnybrook Balingup); and

- Permit for the interference or obstruction of a watercourse under the *Rights in Water and Irrigation Act 1914*.

The Shire of Donnybrook Balingup (the Shire) (2025) advised DWER that the property is zoned General Agriculture under the Shire's Local Planning Scheme No. 7 (LPS7). Under LPS7, a dam is regarded as incidental to farming activities and falls under the land use category 'Agriculture – Extensive', defined as "premises used for the raising of stock (including domestic scale pigs, poultry and rabbits) or crops but does not include agriculture – intensive or animal husbandry – intensive" (Shire of Donnybrook Balingup, 2025). The Shire advised that 'Agriculture – Extensive' is classified as a permitted use in the General Agriculture zone under LPS7 (Shire of Donnybrook Balingup, 2025).

Notwithstanding the permitted nature of the use, the Shire indicated that the proposed dam may be exempt from requiring development approval under Schedule A of LPS7, if it meets the 20-metre boundary setback requirement of the zone (Shire of Donnybrook Balingup, 2025). Specifically, the exemption provision for dams under Clause (1)(ii) requires the external foot of the dam wall, and any other part of the dam including the stored water, is further than 20 metres from the boundaries of the subject lot (Shire of Donnybrook Balingup, 2025). The applicant confirmed that the proposed dam meets the 20-metre setback requirement and, therefore, will not require development approval (McGinty, 2025b).

DWER's Geographe Capes District (Water Regulation) advised that a surface water Permit under section 17 of the RIWI Act is required, as the proposed dam involves the interference or obstruction of a watercourse for works relating to the taking of water in a proclaimed area (DWER, 2025b). The Geographe Capes District advised that the proposed dam can be supported in accordance with section 9 of the RIWI Act and the current policy settings of the *Whicher Area Surface Water Allocation Plan* (DoW, 2009), noting the water intended to be taken is required for domestic use and non-intensive stock-watering (DWER, 2025b). It was indicated that the design of the dam appears to be acceptable in meeting setback requirements from neighbouring property boundary lines, provisions for low flow bypass, and suitable erosion control measures for spillway waters returning back to the watercourse (DWER, 2025b). It is understood that a section 17 surface water permit for a dam capacity of 8000 kilolitres is intended to be approved, subject to the grant of the clearing permit application (McGinty, 2025b).

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.

End

Appendix A. Additional information provided by applicant

Since the application was accepted for assessment on 11 March 2025, the following additional information was provided by the applicant:

Summary of comments	Consideration of comment
The applicant provided the following additional supporting information on 17 July and 4 September 2025, in response to a formal Request for Further Information issued by DWER: • Commitment to plant eight marri and/or jarrah trees adjacent to the application area to mitigate impacts, and • Demonstration of relevant planning approvals and water licenses (McGinty, 2025b).	The additional information provided was considered as follows: • The proposed rehabilitation action is outlined under <i>Avoidance and mitigation measures</i> (see Section 3.1) and <i>Assessment of impacts on environmental values</i> (see Section 3.2.1), and • Demonstration of relevant approvals is summarised in <i>Relevant planning instruments and other matters</i> (Section 3.3).

Appendix B. Site characteristics

B.1. Site characteristics

The information provided below describes the key characteristics of the area proposed to be cleared and is based on the best information available to DWER at the time of this assessment. This information was used to inform the assessment of the clearing against the Clearing Principles, contained in Appendix C.

Characteristic	Details
Local context	The area proposed to be cleared contains an isolated patch of five marri trees along a creek line in the intensive land use zone of Western Australia. It is surrounded by historically cleared paddock on a private property. Spatial data indicates the local area (10-kilometre radius from the centre of the area proposed to be cleared) retains approximately 46.76 per cent of the original native vegetation cover.
Ecological linkage	The application area is not mapped within any formal ecological linkages. Given it is an isolated patch of trees within a cleared paddock, the application area is not likely to be contributing significantly to informal linkages in the local area.
Conservation areas	The closest conservation areas are an Unnamed Timber Reserve, located approximately 1.2 kilometres north-east, and Mullalyup State Forest, located approximately 1.7 kilometres south of the application area. These conservation areas are separated from the application area by cleared agricultural land.
Vegetation description	Photographs supplied by the applicant and a DWER site inspection indicate the vegetation within the proposed clearing area consists of five isolated marri trees over weedy grasses and blackberry (<i>Rubus</i> sp.). Representative photos are available in Appendix E. This is broadly consistent with the mapped Jarrah Forest vegetation type: Balingup (BL) complex, which is described as an open forest of <i>Eucalyptus marginata</i> subsp. <i>marginata</i> - <i>Corymbia calophylla</i> on slopes and woodland of <i>Eucalyptus rudis</i> on the valley floor in the humid zone (Mattiske and Havel, 1998). The mapped vegetation type retains approximately 29.38 per cent of the original extent (Government of Western Australia, 2019a).
Vegetation condition	Photographs supplied by the applicant and a DWER site inspection indicate the vegetation within the proposed clearing area is in Completely Degraded (Keighery, 1994) condition, described as: the structure of the vegetation is no longer intact and the area is completely or almost completely without native species (Keighery, 1994). The full Keighery (1994) condition rating scale is provided in Appendix D. Representative photos are available in Appendix E.
Climate and landform	The application area slopes from south to north and is situated in a valley surrounded by large rolling hills (DWER, 2025a). It has a mean annual maximum temperature of 23.2°C and a mean annual minimum temperature of 9.8°C (BoM, 2025). The mean annual rainfall recorded at the nearest Bureau of Meteorology weather station (Kirup) is 994.7 millimetres (BoM, 2025).
Soil description and land degradation risk	The soil is mapped within the Balingup moderate slopes Phase (255LvBL4) described as Balingup Subsystem, moderate slope phase, slopes 15-35%, relief 60-120 m (DPIRD, 2025). The mapped soil type has a low risk of land degradation resulting from wind erosion, salinity, flooding, and waterlogging, but has a high risk of water erosion, subsurface acidification, and phosphorus export (DPIRD, 2025).
Waterbodies and hydrogeography	The desktop assessment, aerial imagery, and a DWER site inspection indicate that the application area transects a non-perennial tributary of the Capel River System and may also intersect waterflow from a spring. No mapped wetlands transect the application area. The application area is mapped within the Capel River System surface water area, proclaimed under the <i>Rights in Water and Irrigation Act 1914</i> (the RIWI Act). Groundwater salinity within the application area is mapped at 500-1000 milligrams per litre total dissolved solids.

Characteristic	Details
Flora	The desktop assessment identified that a total of 11 conservation significant flora species have been recorded within the local area, comprising one Priority 1 (P1) flora, one Priority 2 (P2) flora, six Priority 3 (P3) flora, two Priority 4 (P4) flora, and one threatened flora species (Western Australian Herbarium, 1998-). None of these existing records occur within the application area, with the closest record being an occurrence of <i>Tetradlea parvifolia</i> (P3) approximately 4.6 kilometres from the application area. Given the Completely Degraded (Keighery, 1994) condition of the application area, the absence of native mid- and understorey species, and the high weed load observed during a DWER site inspection, no threatened or priority flora species are considered likely to occur within the application area and impacts to flora did not require further consideration.
Ecological communities	The desktop assessment identified that the closest occurrence of a state or federally listed threatened ecological community (TEC) is the Whicher Scarp Jarrah woodland of deep coloured sands (Whicher Scarp C2) community, listed as Endangered under the EPBC Act and as a Priority 1 ecological community (PEC) by DBCA, approximately 15.9 kilometres north-west of the application area. Given the Completely Degraded (Keighery, 1994) condition of the application area, the absence of native mid- and understorey species, and the high weed load observed during a DWER site inspection, it is unlikely to be representative of any TEC or PEC and impacts to conservation significant ecological communities did not require further consideration.
Fauna	The desktop assessment identified that a total of 15 conservation significant fauna species have been recorded within the local area, including seven threatened fauna species, six priority fauna species, one conservation dependent species, and one other specially protected fauna species (DBCA, 2007-). The closest is a record of <i>Isodon fusciventer</i> (quenda) approximately 2.5 kilometres from the application area. With consideration for the site characteristics set out above, the habitat preferences of the aforementioned species, and a DWER site inspection, the application area provides suitable habitat for four conservation significant fauna species and impacts to these species required further consideration (see Appendix B.3.).

B.2. Vegetation extent

	Pre-European extent (ha)	Current extent (ha)	Extent remaining (%)	Current extent in all DBCA managed land (ha)	Current proportion (%) of pre-European extent in all DBCA managed land
IBRA bioregion*					
Jarrah Forest	4,506,660.25	2,399,838.15	53.25	1,673,614.25	37.14
Vegetation complex					
Balingup, BL *	59,446.57	17,466.47	29.38	9120.37	15.34
Local area					
10km radius	31,131.73	14,555.70	46.76	-	-

*Government of Western Australia (2019a)

**Government of Western Australia (2019b)

B.3. Fauna analysis table

With consideration for the site characteristics set out above, the habitat preferences of species recorded in the local area, and a DWER site inspection, impacts to the following conservation significant fauna required further consideration.

Species name	Conservation status	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 (total)	Are surveys adequate to identify? [Y, N, N/A]
<i>Calyptorhynchus banksii naso</i> (forest red-tailed black cockatoo)	VU	Y	Y	1.85	12	N/A
<i>Westralunio carteri</i> (Carter's freshwater mussel)	VU	Y	Y	9.87	4	N/A
<i>Zanda baudinii</i> (Baudin's cockatoo)	EN	Y	Y	6.72	21	N/A
<i>Zanda latirostris</i> (Carnaby's cockatoo)	EN	Y	Y	8.83	2	N/A

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

Appendix C. Assessment against the clearing principles

Assessment against the clearing principles	Variance level	Is further consideration required?
Environmental value: biological values		
<u>Principle (a):</u> "Native vegetation should not be cleared if it comprises a high level of biodiversity." <u>Assessment:</u> The application area comprises five isolated marri trees in Completely Degraded (Keighery, 1994) condition within a paddock and does not comprise a high level of biodiversity.	Not likely to be at variance	No
<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." <u>Assessment:</u> The area proposed to be cleared contains suitable habitat for four conservation significant fauna species.	At variance	Yes <i>Refer to Section 3.2.1, above.</i>
<u>Principle (c):</u> "Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, threatened flora." <u>Assessment:</u> The application area is unlikely to contain suitable habitat for flora species listed under the BC Act, given the Completely Degraded (Keighery, 1994) condition and high weed load.	Not likely to be at variance	No
<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." <u>Assessment:</u> The application area does not contain vegetation representative of a TEC given it is an isolated patch of paddock trees over weeds in Completely Degraded (Keighery, 1994) condition.	Not likely to be at variance	No
Environmental value: significant remnant vegetation and conservation areas		
<u>Principle (e):</u> "Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared." <u>Assessment:</u> The extent of the mapped vegetation complex (Balingup, BL) is inconsistent with the national objectives and targets for biodiversity conservation in Australia.	May be at variance	Yes <i>Refer to Section 3.2.2, above.</i>

Assessment against the clearing principles	Variance level	Is further consideration required?
<u>Principle (h):</u> “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.” <u>Assessment:</u> Given the distance to and separation from the nearest conservation area, the proposed clearing is not likely to have an impact on the environmental values of any conservation areas.	Not likely to be at variance	No
Environmental value: land and water resources		
<u>Principle (f):</u> “Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.” <u>Assessment:</u> Given the application area transects a non-perennial tributary of the Capel River System, the proposed clearing will impact vegetation growing in association with a watercourse.	At variance	Yes <i>Refer to Section 3.2.3, above.</i>
<u>Principle (g):</u> “Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.” <u>Assessment:</u> The mapped soils are highly susceptible to water erosion, nutrient export, and subsurface acidification.	Not likely to be at variance	Yes <i>Refer to Section 3.2.3, above.</i>
<u>Principle (i):</u> “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.” <u>Assessment:</u> Given the application area transects a non-perennial tributary of the Capel River System, the proposed clearing may result in minor, short-term impacts surface water quality.	May be at variance	Yes <i>Refer to Section 3.2.3, above.</i>
<u>Principle (j):</u> “Native vegetation should not be cleared if the clearing of the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.” <u>Assessment:</u> It is acknowledged that the end land-use will result in the flooding of the application area through dam construction. However, the proposed clearing is unlikely to contribute to an increase in the incidence or intensity of flooding of the surrounding area, given the extent of clearing, condition of the application area, and mapped flood risk.	Not likely to be at variance	No

Appendix D. Vegetation condition rating scale

Vegetation condition is a rating given to a defined area of vegetation to categorise and rank disturbance related to human activities. The rating refers to the degree of change in the vegetation structure, density and species present in relation to undisturbed vegetation of the same type. The degree of disturbance impacts upon the vegetation's ability to regenerate. Disturbance at a site can be a cumulative effect from a number of interacting disturbance types.

Considering its location, the scale below was used to measure the condition of the vegetation proposed to be cleared. This scale has been extracted from Keighery, B.J. (1994) *Bushland Plant Survey: A Guide to Plant Community Survey for the Community*. Wildflower Society of WA (Inc). Nedlands, Western Australia.

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

Condition	Description
Pristine	Pristine or nearly so, no obvious signs of disturbance.
Excellent	Vegetation structure intact, with disturbance affecting individual species; weeds are non-aggressive species.

Condition	Description
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 E. DWER site inspection photographs



Figure 3. Looking south-west into the application area from the north-eastern border (DWER, 2025b).



Figure 4. Looking east into the application area from the north-western border (DWER, 2025b).



Figure 5. Looking west into the application area from the eastern border (DWER, 2025b).



Figure 6. Looking east from the centre of the application area (DWER, 2025b).



Figure 7. Looking south from the centre of the application area (DWER, 2025b).



Figure 8. Looking north from the southern end of the application area (DWER, 2025b).

Appendix F. Sources of information

F.1. GIS databases

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

- 10 Metre Contours (DPIRD-073)
- Aboriginal Heritage Places (DPLH-001)
- Bush Forever Areas 2000 (DPLH-019)
- Cadastre (LGATE-218)
- Cadastre Address (LGATE-002)
- CAWSA Part 2A Clearing Control Catchments (DWER-004)
- Consanguineous Wetlands Suites (DBCA-020)
- Contours (DPIRD-073)
- DBCA – Lands of Interest (DBCA-012)
- DBCA Legislated Lands and Waters (DBCA-011)
- DBCA Statewide Vegetation Statistics
- Directory of Important Wetlands in Australia – Western Australia (DBCA-045)
- Environmentally Sensitive Areas (DWER-046)
- Flood Risk (DPIRD-007)
- Geomorphic Wetlands Manjimup to Northcliffe - Unreviewed (DBCA-044)
- Geomorphic Wetlands, South West - Unreviewed (DBCA-040)
- Groundwater Salinity Statewide (DWER-026)
- Hydrographic Catchments - Catchments (DWER-028)
- Hydrographic Catchments - Divisions (DWER-029)
- Hydrography, Linear (Hierarchy) (DWER-031)
- 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 (DPIRD-006)
- 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 (DPIRD-027)
- Soil Landscape Mapping – Systems (DPIRD-064)
- Vegetation Complexes - South West forest region of Western Australia (DBCA-047)

Restricted GIS Databases used:

- Conservation Covenants Western Australia (DPIRD-023)
- Contaminated Sites Database - Restricted (DWER-073)
- 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)

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