GOVERNMENT OF
WESTERN AUSTRALIA

CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Number: 3043/2
File Number: DEC10897
Duration of Permit: From 26 August 2010 to 26 August 2015

PERMIT HOLDER

BMP Holdings Pty Ltd and Lure Holdings Pty Ltd

LAND ON WHICH CLEARING IS TO BE DONE

Lot 200 on Plan 34987

AUTHORISED ACTIVITY

Clearing of up to 1.87 hectares of native vegetation within the area hatched yellow on attached Plan 3043/2.

CONDITIONS

1 Type of clearing authorized

Clearing authorised under this permit must be conducted from west to east.

2 Fauna management

(a) Prior to undertaking any clearing authorised under this Permit, the areas shall be inspected by a *fauna specialist* who shall identify habitat suitable to be utilised as habitat by *Pseudocheirus occidentalis;*
(b) Prior to clearing, any habitat identified by condition 2(a) shall be inspected by a *fauna specialist* for the presence *Pseudocheirus occidentalis*;
(c) Immediately prior to undertaking any clearing authorised under this Permit, the Permit Holder shall engage a *fauna clearing person* to remove and relocate the *Pseudocheirus occidentalis* under condition 2(b); and
(d) Large tree trunks and branches with hollows must be relocated to the degraded parts of the adjacent larger vegetated remnant.

3 Dieback and weed control

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

4 Revegetation

(a) The Permit Holder shall establish and maintain native vegetation within the area cross-hatched red on attached Plan CPS 3043/2 in accordance with the following conditions:
(i) The area is to be planted with 500 seedlings;
(ii) All seedlings must set up with tree guards;

(ii) The species shall consist of *Agonis flexuosa*, *Banksia attenuata*, *Kunzea glabrescens*, *Xylomelum occidentale*, *Corymbia calophylla*, *Eucalyptus marginata* and *Banksia ilicifolia*;
(iii) Seeds and propagating material shall be sourced from within a 10 km radius of the area cleared; and
(iv) The planting is to commence before June 2011 and be completed by August 2012.

(b) Within 36 months of undertaking revegetation in accordance with condition 4(a) of this Permit, the Permit Holder must:
(i) ensure a minimum seedling survival rate of 50%; and
(ii) where, in the opinion of an *environmental specialist*, a minimum survival rate of seedlings has not been achieved the Permit Holder must undertake additional planting or direct seeding of native vegetation in accordance with the requirements of condition 4(a) of this Permit.

5 Records to be kept

The Permit Holder must maintain the following records in relation to the revegetation of areas pursuant to condition 4 of this Permit:
(a) a description of the revegetation activities undertaken; and
(b) the species composition, structure and density of revegetation.

6 Reporting

(a) The Permit Holder must provide to the CEO on or before 30 June of each year, a written report:
(i) of records required under condition 5 of this Permit; and
(ii) concerning activities done by the Permit Holder under this Permit between 1 January and 31 December of the preceding year.

(b) Prior to 26 June 2015, the Permit Holder must provide to the CEO a written report of records required under condition 5 of this Permit where these records have not already been provided under condition 6(a) of this Permit.

Definitions

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

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

environmental specialist means a person who is engaged by the Permit Holder for the purpose of providing environmental advice, 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;

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

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

fill means material used to increase the ground level, or fill a hollow;

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;

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

Kelly Faulkner
MANAGER
NATIVE VEGETATION CONSERVATION BRANCH

Officer delegated under Section 20
of the Environmental Protection Act 1986

26 August 2010

Plan 3043/2

LEGEND

Clearing Instruments

- Areas Subject to Conditions
- Areas Approved to Clear

Bunbury 50cm Orthomosaic - Landgate 2008

N

0 ~125 m

Scale 1:4961

(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

Date 26/8/10.

K Faulkner

Officer with delegated authority under Section 20 of the Environmental Protection Act 1986

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

Department of Environment and Conservation

Our environment, our future

Department of Environment and Conservation

Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 3043/2

Permit type: Area Permit

1.2. Proponent details

Proponent's name: **BMP Holdings Pty Ltd and Lure Holdings Pty Ltd**

1.3. Property details

Property: LOT 200 ON PLAN 34987 (PICTON EAST 6229)
LOT 200 ON PLAN 34987 (PICTON EAST 6229)

Local Government Area:

Colloquial name:

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
1.87		Mechanical Removal	Building or Structure
		Mechanical Removal	Building or Structure

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description	Clearing Description	Vegetation Condition	Comment

3. Assessment of application against clearing principles

(a) Native vegetation should not be cleared if it comprises a high level of biological diversity.

Comments

The vegetation under application is considered to be in a degraded (Keighery, 1994) condition. The applied area has been subjected to grazing activities and lies adjacent to a railway line and a sand extraction site. There are numerous areas of bare sand, with tracks dissecting the application area throughout. The vegetation is dominated by the presence of Agonis flexuosa , with Eucalyptus marginata, Corymbia calophylla and Hakea spp also occurring within the applied area (DEC, 2009a)

The movement of fauna in and out of the area is hindered by the application areas proximity to the railway line. The site is also subject to noise disturbance (MBS, 2009a).

The vegetation under application is part of a remnant identified within the Greater Bunbury Regional Scheme (GBRS) and the Preston Industrial Park as being significant as an ecological linkage and important in maintaining ecological processes and natural system (EPA, 2003b; EPA, 2008). The larger remnant, of which the application area is apart, is important as it provides a valuable role as a "stepping stone" for ecological connectivity with DEC managed land and facilitates fauna movement in a highly cleared landscape. In particular the Western Ring-tailed Possum, a species of conservation significance has been identified as likely to utilise the area proposed to be cleared, due to the presence of Agonis flexuosa (DEC, 2009b). Avian fauna may also utilise pockets of remnant vegetation as a stepping stones to other vegetated areas.

Despite the area under application being in a degraded condition, due to the extent of clearing within the local area and given the low representation of the vegetation to be cleared, the applied area is significant in terms of sustaining biodiversity. The vegetation under application is representative of the vegetation types listed as occurring onsite.

Concerns were raised in a submission received from MBS Environmental on behalf of the applicant, that recommendations made within EPA Bulletin 1282 (which relates to the Preston Industrial Park area) were not relevant to the application area. It is stated in Bulletin 1282 that the investigated areas were delineated to "Include all natural areas with bushland of 'Good' or better condition on the Keighery condition scale" (MBS, 2009b). However the findings are still relevant as the study area includes vegetation of this condition but is not limited by it.

Methodology

DEC (2000a)
DEC (2009b)
EPA (2003a)
EPA (2003b)
EPA (2008)
Keighery (1994)
MBS (2009a)
MBS (2009b)
GIS DataSets:
- Bunbury 50cm Orthomosaic - Landgate 2006 (12/05/2008)
- CALM Managed Lands and Waters - CALM 01/06/05
- Clearing Regulations, Environmentally Sensitive Areas
- Heddle Vegetation Complexes - DEP 22/06/95
- NLWRA, Current Extent of Native Vegetation
- SAC Biodatasets - accessed 11 Feb 08

(b) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna indigenous to Western Australia.

Comments

The vegetation consists predominantly of Agonis flexuosa, Eucalyptus marginata, Corymbia calophylla and Hakea spp (DEC, 2009). There is little to no understorey present and weeds have invaded large areas throughout (DEC, 2009a). Within the local area (10km radius) several fauna species have been recorded. The Western ring-tailed possum (Pseudocheirus occidentalis) was recorded 3.6km west, Baudin's black cockatoo (Calyptorhynchus baudinii) 3.7km west, Brush tailed phascogale (Phascogale tapoatafa) 3.4km north west and Chuditch (Dasyurus geoffroii) was recorded 4.9km west. The Bush stonecurlew (Burhinus grallarius), Carnaby's black cockatoo (Calyptorhynchus latirostris) and the Quenda (Isoodons obesulus fusciventer) were all recorded within the local area, 5-10km from the application area.

Due to the presence of Agonis flexuosa it is reasonable to suggest that the Western ringtailed possum, listed as threatened (vunerable) under the Environment Protection and Biodiversity Conservation Act 1999 and threatened under the Western Australian Wildlife Conservation Act, may occur within the applied area (DEC, 2009b). There is very little ground vegetation so species such as the Quenda and Brush tailed phascogale are unlikely to depend on the application area for refuge or habitat (DEC, 2007).

The vegetation under application may provide a buffer to the larger nearby remnant and aid in the connectivity of the wider area. (EPA, 2008).

The local area has approximately 15% of its pre-European native vegetation remaining. As raised in a submission received from MBS Environmental on behalf of the applicant, the application area is within close proximity to an industrial developed area, roads and rail corridor (MBS, 2009b). However, although the vegetation under application is the most degraded part of a larger area of remnant vegetation, the continued clearing of areas of remnant vegetation, within a highly cleared environment will reduce the environmental values and hence potential habitat options available for local fauna populations. It is therefore considered that the proposed clearing may be at variance to this principle.

Methodology

DEC (2009a)
DEC (2009b)
DEC (2007)
EPA (2008)
MBS (2009b)
GIS DataSets:
- Bunbury 50cm Orthomosaic - Landgate 2006 (12/05/2008)
- CALM Managed Lands and Waters - CALM 01/06/05
- SAC Biodatasets - accessed 11 Feb 08

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

Comments

No flora survey has been conducted over the applied area. The declared rare flora species Diuris drummondi and Eleocharis keigheryi have been recorded at 1.9km south west and 5.9km east of the application area respectively. Both species are unlikely to occur within the application area as they prefer swampy areas of clay (Brown et al. 1998). The chief soils of the application area are sandy acidic yellow mottled soils, some of which contain ironstone gravel (Northcote et al. 1960 -1968). There is very little understorey vegetation and weeds have invaded throughout the application area (DEC, 2009a).

The proposed clearing is unlikely to be at variance to this principle.

Methodology

DEC (2009a)

Brown et al. (1998)
Northcote et al. (1960 - 1968)
GIS DataSets:
- SAC Biodatasets - accessed 11 Feb 08
- Soils, Statewide DA 11/99

(d) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of a threatened ecological community.

Comments

Several Threatened Ecological Communities (TECs) occur within the local area (10km radius), the closest being 4.7km north east of the application area. The application area is not within the buffers of any of these TECs.

Given this, it is considered unlikely that the clearing of 1.87 hectares of degraded (Keighery, 1994) vegetation will impact on the maintenance of these communities.

Methodology

Keighery (1994)
GIS DataSets:
- Bunbury 50cm Orthomosaic - Landgate 2006 (12/05/2008
- SAC Biodatasets - accessed 11 Feb 08
- Soils, Statewide DA 11/99

(e) Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared.

Comments

There is approximately 15% of native vegetation remaining in the local area (10km radius). The application area is within the Swan Coastal Plain Bioregion and the Shire of Dardanup. The Beard vegetation associations (968 and 1000) that are present on site have less than 30% of pre-European levels of vegetation remaining within the bioregion and local Shire. The application area is also comprised of the Heddle vegetation complexes Guildford and Southern River. Guildford complex has 5% (4,662 hectares) of pre-European levels of vegetation remaining, while Southern River has 19.8% (11,501 hectares) remaining. The aforementioned associations and complexes are all below the recommended 30% threshold level for vegetation retention, below which species extinction is believed to occur at an exponential rate. All vegetation complexes and associations which have less then 30% of their pre-European extent remaining are considered to be critical assets by the EPA and are of increased importance to the state (EPA, 2000).

. . .	Pre-European (ha)	Current extent (ha)	Remaining (%)	Pre-European % in reserves/DEC managed lands **
Heddle Guildford Complex**				
- in SCP bioregion	92,497	4,662	5.0	0.2
Heddle Southern River Complex**				
- in SCP bioregion	57,979	11,501	19.8	1.5
Beard association 1000*				
- in SCP bioregion	94,175	25,235	26.80	2.61
Beard association 968*				
- in SCP bioregion	136,188	8,638	6.34	1.22

* statistics from DEC/DAFWA (Shepherd et al, May 2007; statistics from 2007)
** statistics from EPA Guidance Statement No.10 (June 2006; statistics from 1998)

The application area falls within the Preston Industrial Park (PIP) and has been identified as a part of a regionally significant natural area of high value which should be retained (EPA, 2008). The vegetation under application is a part of the McLarty / Kemerton / Twin Rivers / Preston River / Gwindinnup (north-south) ecological linkage, and is important in maintaining ecological processes (EPA, 2008).

The continued clearing of poorly represented vegetation association/complexes will incrementally lead to further species decline and diminish the linkage potential of the remaining vegetation. As detailed in a submission received from MBS Environmental on behalf of the applicant, the application area has been parkland cleared for over 25 years and there is industrial developed land situated within close proximity of the applied area (MBS, 2009b). While these factors have lead to the degraded nature of the vegetation under application, given the context of the surrounding environment, the vegetation under application is considered regionally significant as a remnant (EPA, 2008).

Methodology EPA (2000)
EPA (2008)
MBS (2009b)
GIS DataSets:
- Bunbury 50cm Orthomosaic - Landgate 2006 (12/05/2008)
- CALM Managed Lands and Waters - CALM 01/06/05
- SAC Biodatasets - accessed 11 Feb 08
- Heddle Vegetation Complexes - DEP 22/06/95
- Clearing Regulations, Environmentally Sensitive Areas

(f) Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.

Comments

The application area is surrounded by wetlands. There is a dampland located 75 meters north east, and 203 metres to the south east. A palusplain is located 79 metres west and an EPP lake is located 321 metres south east. The closest river (Ferguson) is located 317 metres south west.

As noted in a submission received from MBS Environmental on behalf of the applicant, no vegetation associated with wetlands has been recorded within the applied area. Several of the wetlands listed as occurring nearby are within industrial developed areas, with the applied area being separated from these wetlands by a road and railway line(MBS, 2009b).

Therefore the proposed clearing is considered unlikely to be at variance to this principle.

Methodology MBS (2009b)
GIS Datasets:
- CALM Managed Lands and Waters - CALM 01/06/05
- EPP Lakes Policy Area - DEP 14/05/97
- EPP, Wetlands 2004 (DRAFT) - EPA 21/7/04
- Clearing Regulations, Environmentally Sensitive Areas 30 May 2005
- Geomorphic Wetlands (Mgt Categories), Swan Coastal Plain ? DEC 11/04/07
- Hydrography linear - DOW 13/7/06
- Hydrography linear (hierarchy) - DoW 13/7/06

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

Comments

The application area is situated between a railway line and roads and has been subjected to past grazing activities. There is no known risk of salinity occurring within the application area and acid sulfate soils have a moderate to low risk of occurring. Due to the degraded state of the vegetation under application, impacts (that may exacerbate appreciable land degradation) would be contained by the bordering road and railway line. It is unlikely that the proposed clearing will result in appreciable land degradation.

Methodology GIS DataSets:
- Acid Sulfate Soil Risk Map, Swan coastal Plain - DEC 07/08/06
- Salinity Risk LM 25m - DOLA 00
- Soils, Statewide DA 11/99
- Topographic contours statewide - DOLA and ARMY 12/09/02
- Hydrogeology, Statewide 05 Feb 2002

(h) Native vegetation should not be cleared if the clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation area.

Comments

An unnamed nature reserve is located 4.2km north east of the application area. This reserve is comprised of the same vegetation type as the application area (Guildford complex).

The larger remnant, of which the application area is a part, is strategically important as it provides a valuable role as an ecological linkage with DEC managed lands and facilitates fauna movement in a highly cleared landscape.

The application area falls within the Preston Industrial Park (PIP). The EPA recommends that all native vegetation within the PIP is considered regionally significant and should be retained. The vegetation under application falls within Investigation Area 7 and E (EPA, 2008).

In a submission received from MBS Environmental on behalf of the applicant, it is stated that there is little value offered by the degraded parkland cleared vegetation under application and the proposed clearing of 1.87 hectares of this vegetation will not impact on nearby conservation areas.

While the vegetation under application is degraded, it is still considered to contribute to the environmental values of this remnant in a highly cleared area, thus increasing its importance on a regional scale.

Methodology EPA (2003b)
EPA (2008)
GIS Datsets:
- Bunbury 50cm Orthomosaic - Landgate 2006 (12/05/2008)
- CALM Managed Lands and Waters - CALM 01/06/05
- SAC Biodatasets - accessed 11 Feb 08
- Heddle Vegetation Complexes - DEP 22/06/95

(i) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause deterioration in the quality of surface or underground water.

Comments

The proposed cleared area lies within the Leschenault Estuary_Preston River catchment. The area has a low relief (15 - 20 metres) and has an annual rainfall of 900mm. Groundwater salinity is 500 - 1000 mg/L.

As noted in a submission received from MBS Environmental on behalf of the applicant several of the wetlands listed as occurring nearby are within industrial developed areas, with the applied area being separated from these wetlands by a road and railway line. Vegetation would still remain to buffer the wetland to the north east of the application area (MBS, 2009b).

The proposed clearing is considered unlikely to be at variance to this principle.

Methodology MBS (2009b)
GIS DataSets:
- Groundwater Salinity Statewide DoW 13/07/06
- Hydrographic catchments, catchments - DoW 01/06/07
- Hydrographic catchments, subcatchments - DoW 01/06/07
- Hydrography, linear - DOW 13/7/06
- Mean Annual Rainfall Isohytes (1975 - 2003) - DEC 02/08/05
- Salinity Risk LM 25m - DOLA 00
- Topographic Contours, Statewide - DOLA 12/09/02

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

Comments

Due to the degraded (Keighery, 1994) condition and relatively small size (1.87ha) of the clearing, it is considered unlikely that an increase in the incidence of flooding will occur as a result of the proposed clearing.

Methodology GIS DataSets
- Hydrographic catchments, catchments - DoW 01/06/07
- Hydrographic catchments, subcatchments - DoW 01/06/07
- Hydrography, linear - DoW 13/7/06
- Mean Annual Rainfall Isohytes (1975 - 2003) - DEC 02/08/05
- Topographic Contours, Statewide - DOLA 12/09/02

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

Comments

The applied area was protected under a condition to the clearing undertaken in CPS 788/1. The clearing permit was partially granted to allow for clearing on the western side of the railway line. This decision was consistent with the Minister's determination of March 2006. In accordance with section 51F of the EP Act, the Department of Environment and Conservation (DEC) cannot make a decision contrary to the decision made by the then Minister in March 2006. This decision of the Minister (2006) was in relation to the property under application which was assessed within a 22 hectare area by the EPA in Bulletin 1112 (EPA, 2003a), however the current application area is outside the assessed area.

The area has also been assessed by the EPA under the Greater Bunbury Regional Scheme (GBRS) and within the Preston Industrial Park, EPA Bulletin 1282.

The application area is apart of a larger area of remnant vegetation that serves as an ecological linkage to nearby reserves and has been recognized in the Greater Bunbury Regional Scheme (GBRS) as being regionally significant in maintaining ecological processes and systems (EPA, 2003b)

Within the Preston Industrial Park (PIP) area the EPA advises that all native vegetation within the PIP is considered regionally significant and should be retained (EPA, 2008).

As detailed in a submission received from MBS Environmental on behalf of the applicant, the application area has no aboriginal sites of significance within the proposal area (MBS, 2009b).

This permit is granted due to the recent decision by the Minister for Environment (May 2010) to partially uphold the appeal against the refusal to grant CPS 3043/1 (CO 10/09) subject to appropriate conditions including a requirement for management measures and/or offset to mitigate cumulative impacts adn teh loss of ecological linkage. Conditions have been imposed on the permit.

Methodology

EPA (2003a)
EPA (2003b)
EPA (2008)
MBS (2009b)

4. References

5. Glossary

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