



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: 5063/2

File Number: DEC6704-1

Duration of Permit: From 12 October 2012 to 12 October 2025

PERMIT HOLDER

Vasse Felix Pty Ltd

LAND ON WHICH CLEARING IS TO BE DONE

Lot 30 on Deposited Plan 46641 (Wilyabrup 6280)

AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 3.44 hectares of native vegetation within the area hatched yellow on attached Plan 5063/2.

CONDITIONS

1. 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) ensure that no *dieback* or *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared;
- (c) restrict the movement of machines and other vehicles to the limits of the areas to be cleared;

2. Offsets - conservation covenant

Prior to undertaking any clearing authorised under this Permit, the Permit Holder shall:

- (a) give a conservation covenant under section 30B of the *Soil and Land Conservation Act 1945* setting aside the *covenant area* for the protection and management of vegetation in perpetuity; and
- (b) provide to the CEO a copy of the executed conservation covenant.

3. Offset - vegetation maintenance

The Permit Holder shall:

- (a) prior to 20 June 2014, prepare a *Weed Management Plan* to the satisfaction of the CEO, outlining the actions the Permit Holder will take at least once in each 12 month period for the term of this Permit to remove or kill *weeds* within the *covenant area*; and
- (b) implement and adhere to the *Weed Management Plan*.

DEFINITIONS

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

covenant area means the area of land cross-hatched red on attached Plan 5063/2;

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

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 any plant -

- (a) that is a declared pest under section 22 of the *Biosecurity and Agriculture Management Act 2007*; or
- (b) published in the Department of Parks and Wildlife's Regional Weed Ranking Summary for the South West region, regardless of ranking; or
- (c) not indigenous to the area concerned.

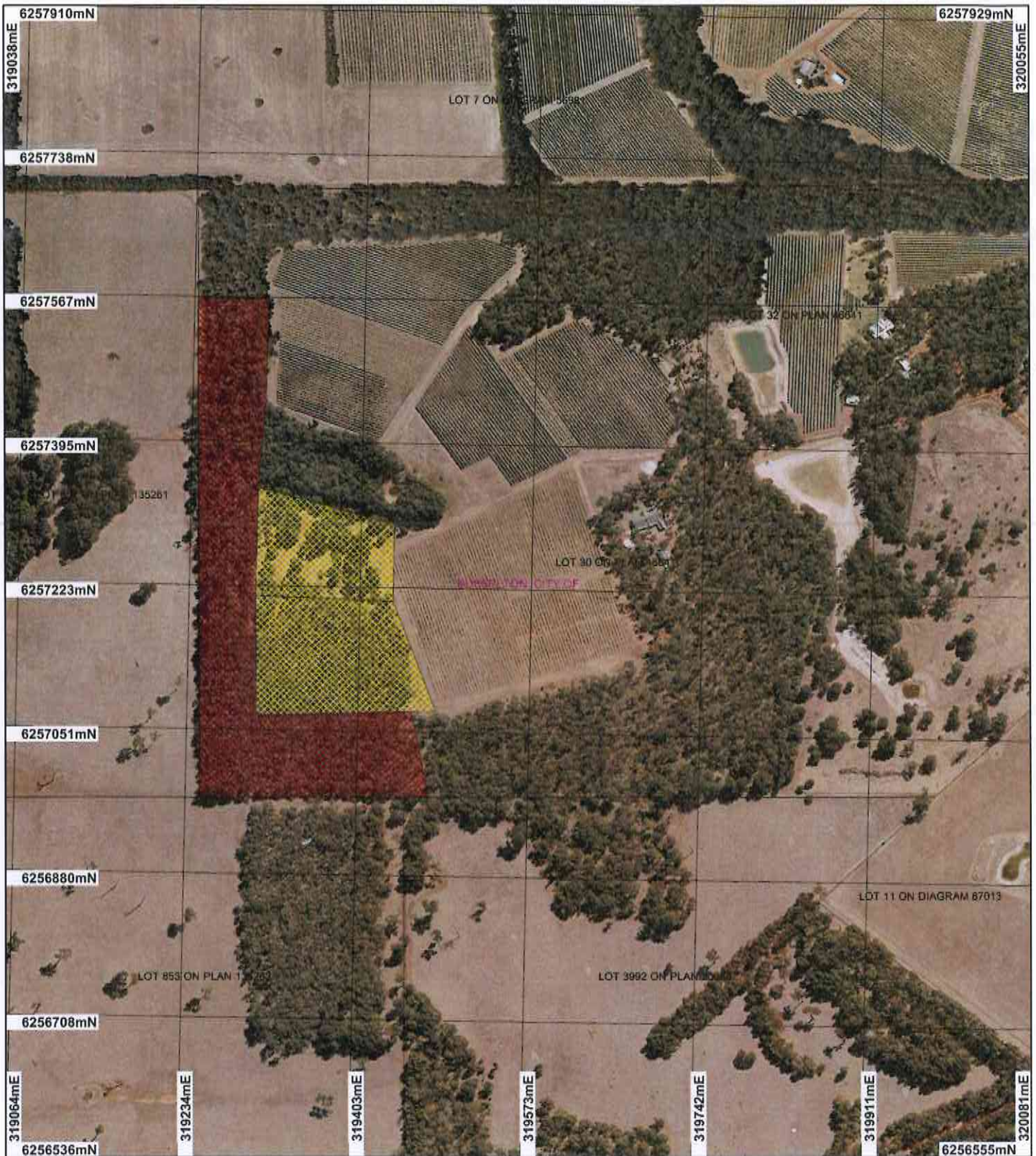


M Warnock
MANAGER
NATIVE VEGETATION CONSERVATION BRANCH

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

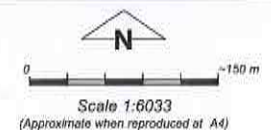
25 February 2014

Plan 5063/2



LEGEND

- Road Centrelines
- Cadastre for labelling
- Local Government Authorities
- Clearing Instruments (cont)
- Areas Subject to Conditions
- Areas Approved to Clear
- Busseton 50cm Orthomosaic - Landgate 2007



Geocentric Datum Australia 1994

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

M Warnock Date 25/2/14
M Warnock

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 acknowledged by the agency acronym in the legend.



Government of Western Australia
Department of Environment Regulation

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* Project Data. This data has not been quality assured. Please contact map author for details.



Clearing Permit Decision Report

Government of Western Australia
Department of Environment Regulation

1. Application details

1.1. Permit application details

Permit application No.: 5063/2
Permit type: Area Permit

1.2. Proponent details

Proponent's name: Vasse Felix Pty Ltd

1.3. Property details

Property: LOT 30 ON PLAN 46641 (Lot No. 30 TOM CULLITY WILYABRUP 6280)
Local Government Area:
Colloquial name:

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
1.42		Mechanical Removal	Horticulture
2.02		Mechanical Removal	Horticulture

1.5. Decision on application

Decision on Permit Application:
Decision Date:

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
The vegetation under application has been mapped as Beard vegetation association 3 which is described as Medium forest; jarrah-marri (Shepherd et al 2001).	The clearing of 2.02 hectares of native vegetation is for the purpose of constructing a dam and water catchment.	Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery 1994)	The amended application is to increase the area of clearing (by 2.02 hectares) from 1.42 hectares to 3.44 hectares of native vegetation. The 1.42 hectares of native vegetation approved on 20 September 2012 has been cleared, therefore will not form part of this assessment. Decision Report CPS 5063/1 outlines the assessment of this area.
Mattiske vegetation complex Cowaramup (C2): Open forest of Eucalyptus marginata subsp. marginata-Corymbia calophylla-Banksia grandis on lateritic uplands in perhumid and humid zones (Mattiske 1998).			Approximately 1.57 hectares of the application area was burnt prior to submitting the application in March 2013. This area has the capacity to regenerate to a very good (Keighery 1994) condition (DEC 2013).
Mattiske vegetation complex Wilyabrup (W2): Open forest of Corymbia calophylla-Allocasuarina decussata-Agonis flexuosa on deeply incised valleys in perhumid and humid zones (Mattiske 1998).			The vegetation conditions and description was determined by a site inspection undertaken by the former Department of Environment and Conservation (2013).
		Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery 1994)	

Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery 1994)

Completely Degraded: No longer intact; completely/almost completely without native species (Keighery 1994)

3. Assessment of application against clearing principles

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

Comments

Proposal is at variance to this Principle

The amended application is to increase the area of clearing by 2.02 hectares from 1.42 hectares to 3.44 hectares of native vegetation for the purpose of extending an existing vineyard.

The following assessment is for the additional 2.02 hectare area. The assessment for the original 1.42 hectares can be found in Clearing Permit Decision Report CPS 5063/1.

Approximately 1.57 hectares of the current application area had been burnt and approximately 0.45 hectares of the application area had also been cleared prior to the application being submitted. The following assessment is of the vegetation's regeneration capacity which is determined to be to a very good (Keighery 1994) condition.

A supplementary rare flora survey undertaken by Ecoedge Environmental Pty Ltd (2013) determined the area under application contained 0.99 hectares of native vegetation in a very good (Keighery 1994) condition, 0.27 hectares of native vegetation is in a good (Keighery 1994) condition, 0.27 hectares of native vegetation is in a degraded (Keighery 1994) condition and 0.05 hectares is in a completely degraded (Keighery 1994) condition.

A flora and vegetation survey conducted by Ngh Environmental (2013a) on 30 October 2012 within Lot 30 including approximately 1.12 hectares of the application area (0.45 hectares of the application area had been burnt a few days prior to surveying, 0.45 hectares of the application had been recently cleared) identified 152 species of vascular flora, 130 of which were native species. This number of native species in the remnant vegetation surveyed represents a relatively high species diversity (Ngh Environmental 2013a).

The local area has been extensively cleared with the area under application being a part of one of a few remaining isolated remnants within a 10 kilometre radius. The application area is part of an important stepping stone for fauna within a highly cleared landscape. The proposed clearing will contribute to the degradation of this stepping stone and will contribute to the reduction of fauna and flora dispersal between other isolated remnants in the local area.

Numerous priority flora species have been recorded within the local area (10 kilometre radius) found on similar vegetation and soil type. The closest record of priority flora is located approximately 2.9 kilometres south west of the application area. A flora survey conducted by Ngh Environmental (2013a) did not identify any rare or priority flora within Lot 30. However 0.45 hectares of vegetation was burnt a few days prior to surveying and approximately 0.5 hectares was already cleared, therefore these areas of the application area were not surveyed. The remaining 1.2 hectares that was surveyed had also been burnt.

An additional flora survey over the application area including the area that had previously been omitted from the previous flora survey was conducted on 2 September 2013 by Eco edge. No rare or priority flora were identified within the application area (Ecoedge 2013).

During a site inspection conducted by DEC (2013) two seedlings of *Thomasia macrocarpa* were noted within the application area. This species is considered significant to the Leeuwin Block landform as it is disjunct within the northern extent of this landform from its core area of occurrence on the Darling Plateau east of Perth.

Numerous fauna species listed as rare or likely to become extinct under the Wildlife Conservation Act 1950 have been recorded within a 10 kilometre radius (DEC 2007-) including: *Calyptorhynchus baudinii* (Baudin's Cockatoo), *Calyptorhynchus latirostris* (Carnaby's Cockatoo), *Dasyurus geoffroi* (Chuditch), *Macrotis lagotis* (Bilby), *Phascogale tapoatafa* subsp. *tapoatafa* (Southern Brush-tailed Phascogale, Wambenger), *Pseudocheirus occidentalis* (Western Ringtail Possum), *Psophodes nigrogularis* subsp. *nigrogularis* and *Setonix brachyurus* (Quokka) (DEC 2007-). A site inspection undertaken by DEC (2013) identified large hollow-bearing or potentially hollow-bearing trees within the application area which potentially could provide breeding habitat for Carnaby's Cockatoo, Baudin's cockatoo, Forest Red tailed Black Cockatoo (*Calyptorhynchus banksia*), and Southern Brush-tailed Phascogale.

Although the application area has been burnt and a portion of the application has been cleared the vegetation under application has the regenerative capacity to return to very good (Keighery 1994) condition. In addition the

application area contains significant habitat for fauna, contains a relatively high species diversity, is an important stepping stone for flora and fauna and contains locally significant flora therefore the vegetation proposed to be cleared is considered to contain a high level of biological diversity.

Therefore the clearing as proposed is at variance to this principle.

To address the residual significant impacts identified in this assessment, the applicant has advised they are willing to enter into a conservation covenant under Section 30 of the Soil and Land Conservation Act 1945 to maintain and establish in perpetuity a 4.7 hectare area. This area contains; native vegetation in a very good (Keighery 1994) condition, black cockatoo foraging and possible breeding habitat and vegetation containing a high biological diversity.

Methodology

Reference:

- DEC (2007-)
- DEC (2013)
- Ecoedge (2013)
- Keighery (1994)
- Ngh Environmental (2013a)

GIS Databases:

- SAC Biodata sets - accessed May 2013

(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

Proposal is at variance to this Principle

Numerous fauna species listed as rare or likely to become extinct under the Wildlife Conservation Act 1950 have been recorded within a 10 kilometre radius (DEC 2007-) including: *Calyptorhynchus baudinii* (Baudin's Cockatoo), *Calyptorhynchus latirostris* (Carnaby's Cockatoo), *Dasyurus geoffroi* (Chuditch), *Macrotis lagotis* (Bilby), *Pseudocheirus occidentalis* (Western Ringtail Possum), *Psophodes nigrogularis* subsp. *nigrogularis* and *Setonix brachyurus* (Quokka) (DEC 2007-).

During a site inspection undertaken by DEC (2013) large hollow-bearing or potentially hollow-bearing trees were observed which could potentially provide breeding habitat for the Carnaby's Cockatoo, Forest Red tailed Black Cockatoo, Baudin's cockatoo and the Southern Brush-tailed Phascogale.

A fauna and habitat assessment was conducted by Ngh Environmental (2013b) within Lot 30 including the approximately 1.57 hectares of the area under application. The remaining 0.45 hectares of the area under application had been recently cleared and therefore could not be surveyed. Ngh Environmental (2013b) determined the entire survey area contains foraging habitat for threatened black cockatoos (Forest Red tailed Black Cockatoo, Baudin's Cockatoo and Carnaby's Cockatoo). Forest Red-tailed black cockatoo feeding signs were observed widely over the survey area and Baudin's Cockatoo were sighted. Ngh Environmental (2013c) has advised Marri is extensive locally and a dominant tree species within the remaining 23.13 hectares within Lot 30 and higher quality foraging habitat is present in the adjacent intact woodland.

Numerous mature Jarrah and Marri trees suitable for developing hollows were identified within the survey area. Two hundred and seventy seven trees with a diameter at breast height (DBH) of 50 centimetres or more were located within Lot 30, 93 of which contain 109 medium or large hollows. Twenty three of these habitat trees were located within the application area, nine of which contain hollows (Ngh Environmental 2013b). Less than 10 per cent of the hollow bearing trees are located within the area under application (Ngh Environmental 2013c). In the context of habitat trees with the potential to develop hollows, 14 are located within the application area with the remaining 277 trees located within the adjacent woodland (Ngh Environmental 2013c).

Ngh Environmental undertook a black cockatoo hollow watching survey. No black cockatoos were observed or heard calling during the survey therefore it is unlikely that Baudin's Cockatoo and Forest Red tailed Black Cockatoo's would be nesting within the application area. The survey may have been too early to survey for Carnaby's (Ngh Environmental 2013).

The application area contains 1.7 hectares of vegetation containing very good value, and 0.27 hectares of good value foraging and possible breeding habitat for the black cockatoo species (Ngh Environmental 2013d). The remaining 0.05 hectares is in a completely degraded (Keighery 1994) condition is has no significant values for the black cockatoo species.

Western Ringtail Possums were present in the drainage line vegetation within the eastern section of Lot 30 outside of the application area. The application area does not contain significant habitat for the Western Ringtail Possums, however given the very good (Keighery 1994) condition of the vegetation Western Ringtail Possums may utilise the vegetation under application as a stepping stone to suitable vegetation (*Agonis flexuosa*) to the north of the application area.

Suitable habitat may also be present for the Peregrine Falcon, Rainbow Bee-eater and Western False Pipstrelle

within Lot 30 (Ngh Environmental 2013b).

The Peregrine Falcon occupies a range of habitat types however they tend to nest in stick nests in high exposed branches or cliff ledges. Nesting habitat could occur within exposed branches in the application area and a number of stick nests were present in some of the larger trees within Lot 30 however not within the application area (Ngh Environmental 2013c). Given no raptor nests were observed, the clearing of the application is unlikely to have an impact on this species (Ngh Environmental 2013c).

The Rainbow Bee-eater occupies a variety of habitats and migrates south of the continent in summer time to breed. The species may use the sandy dam banks and cuttings within Lot 30 as breeding habitat. No significant habitat is located within the application area and therefore the clearing as proposed is not likely to impact this species (Ngh Environmental 2013c).

The Western False Pipistrelle occurs in the high rainfall zones of Jarrah and Tuart forests. It has also been recorded in mixed Tuart-Jarrah tall woodlands on the adjacent coastal plain. The habitat type required by this species is not consistent with the regrowth of Marri present within the application area, therefore the clearing as proposed is not likely to impact upon this species (Ngh Environmental 2013c).

The vegetation under application is part of a remnant of vegetation that acts as a stepping stone for fauna across the landscape. The proposed clearing will contribute to the degradation to this stepping stone and therefore will reduce the dispersal capacity of local fauna within the local area (10 kilometre radius).

Given the above the vegetation under application is significant habitat for fauna indigenous to Western Australia. Therefore the clearing as proposed is at variance to this principle.

To address the residual significant impacts identified in this assessment, the applicant has advised they are willing to enter into a conservation covenant under Section 30 of the Soil and Land Conservation Act 1945 to maintain and establish in perpetuity a 4.7 hectare area. This area contains; native vegetation in a very good (Keighery 1994) condition, black cockatoo foraging and possible breeding habitat and vegetation containing a high biological diversity.

Methodology

Reference:

- DEC (2007-)
- DEC (2013)
- Ngh Environmental (2013b)
- Ngh Environmental (2013c)
- Ngh Environmental (2013c)

GIS Databases:

- SAC Biodata sets: accessed May 2013

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

Comments

Proposal is not likely to be at variance to this Principle

One species of rare flora has been recorded within the local area. The closest known record of this species is approximately 3.8 kilometres south west of the application area.

The species is a tuberous, perennial herb that flowers in September to October and occurs on white, grey or brown sand / sandy loam (Western Australian Herbarium 1998-)

The soils within the area under application are described as a broad shallow valley and low ridges with moderate amounts of laterite and ironstone gravel; chief soils are acid grey earths sometimes containing ironstone gravels (Northcote et al. 1960-68).

The soil type within the application area is not consistent with this species preferred habitat, therefore it is unlikely this species would be located within the application area. A flora and vegetation survey conducted by Ngh Environmental (2013a) did not identify any rare flora species within the 1.12 hectares of the application area that was surveyed.

An additional flora survey over the application area (excluding the 0.45 hectares area already cleared) including the area that had previously been omitted from the previous flora survey was conducted on 2 September 2013 by Eco edge. No rare flora was identified within the application area (Eco edge 2013).

Given the above, the clearing as proposed is not likely to be at variance to this principle

Methodology

References:

- Ngh Environmental (2013a)
- Northcote (1960-68)

- Western Australian Herbarium (1998-)

GIS Database:

-SAC biodata sets - accessed May 2013

(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 Proposal is not likely to be at variance to this Principle

There are no records of threatened ecological communities located within the local area (10 kilometre radius).

Given the above, the proposed clearing is not likely to be at variance to this principle.

Methodology GIS Database:

- SAC Biodata sets - accessed May 2013

(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 Proposal may be at variance to this Principle

The area under application is located within the Warren Interim Biogeographic Regionalisation of Australia (IBRA) bioregion. This IBRA bioregion has approximately 80 per cent of its Pre European vegetation extent remaining (Government of Western Australia 2011).

The vegetation under application is mapped as Beard Vegetation Association 3 which has approximately 79 per cent of its Pre European extent remaining in the Warren bioregion (Government of Western Australia 2013).

The proposed clearing will impact upon C2 Cowaramup vegetation complex and W2 Wilyabrup vegetation complex which have approximately 34 and 31 per cent of their Pre European extent remaining of which six and two per cent respectively is represented in reserves (Mattiske and Havel 1998). Although W2 Wilyabrup vegetation complex has approximately 31 per cent of its Pre European extent remaining, this complex has approximately 741 hectares remaining.

The vegetation associations located within the application area retain more than 30 per cent vegetation cover which is above the National Objectives and Targets for Biodiversity Conservation threshold that prevents clearance of ecological communities with an extent below 30 per cent of that present pre-European settlement (Commonwealth of Australia, 2001).

The local area (10 kilometre radius) surrounding the area under application retains approximately 33 per cent vegetation cover, however the majority of this vegetation is located along the coastline. The area within close proximity of the application area has been extensively cleared and is highly fragmented. Therefore the area under application may be considered to be located within an area that has been extensively cleared.

The application area is part of an important stepping stone for fauna within a highly cleared landscape. The proposed clearing will contribute to the degradation of this stepping stone and will contribute to the reduction of fauna dispersal between other isolated remnants in the local area.

The vegetation within the application area has regenerative capacity to return to very good (Keighery 1994) condition, contains significant habitat for fauna, represents a relatively high species diversity, is an important stepping stone for flora and fauna and contains locally significant flora and therefore contains high biological diversity. Therefore the vegetation under application is considered to be a significant remnant.

Given the above the vegetation under application may be significant as a remnant in an extensively cleared landscape.

Therefore, the clearing as proposed may be at variance to this principle.

	Pre-European (ha)	Current Extent Remaining (ha)	Remaining (%)	Extent in DEC Managed Lands (%)
IBRA Bioregion*				
Warren	835, 982	664, 123	80	83
Shire*				
Shire of Busselton	146,478	62, 298	43	66
Beard Vegetation Association in Bioregion*				
3	250, 263	198, 873	79	85
Mattiske Vegetation Complex**				

Cowaramup (C2)	128,733	44,578	34	7
Wilyabrup (W2)	3,518	741	31	2

*(Government of Western Australia 2013)

** (Matiske and Havel 1998)

Methodology Reference:
 -Commonwealth of Australia (2001)
 -Government of Western Australia (2013)
 -Keighery (1994)
 -Matiske and Havel (1998)

GIS Databases:
 - IBRA
 - Busselton 50cm Orthomosaic - Landgate 2004
 - Pre European Vegetation
 - SAC Biodata sets - accessed May 2013

(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 **Proposal is not likely to be at variance to this Principle**
 No watercourses or wetlands are mapped within the application area. The closest known watercourse is Wilyabrup Brook a minor perennial watercourse mapped approximately 290 metres west of the application area.
 Given the distance to the closest watercourse it is unlikely the vegetation proposed to be cleared is growing in an environment associated with a watercourse or wetland.
 Therefore, the clearing as proposed is not likely to be at variance to this principle.

Methodology GIS Database:
 -Hydrology, linear

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

Comments **Proposal is not likely to be at variance to this Principle**
 The area under application is mapped as soil type MT8 which is described as broad shallow valley and low ridges with moderate amounts of laterite and ironstone gravel; chief soils are acid grey earths sometimes containing ironstone gravels.
 Given the soil types present within the application area it is unlikely the clearing as proposed will cause appreciable land degradation (Commissioner of Soil and Land Conservation 2012).
 Therefore, the clearing as proposed is not likely to be at variance to this principle.

Methodology References:
 -Northcote (1960-68)
 -Commissioner of Soil and Land Conservation (2012)
 GIS Database:
 -Soils, Statewide

(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 **Proposal may be at variance to this Principle**
 Numerous conservation areas are located within the local area (10 kilometre radius). The closest conservation area is Leeuwin Naturaliste National Park located approximately 4.3 kilometres west of the application area.
 The vegetation under application is part of a remnant of vegetation that acts as a stepping stone for fauna moving across the landscape. The proposed clearing will contribute to the degradation to this stepping stone and therefore will impact on the environmental values of nearby conservation areas by reducing fauna movement across the landscape.
 Given the above, the proposed clearing may be at variance to this Principle.

Methodology GIS Database:

(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 Proposal is not likely to be at variance to this Principle

No watercourses or wetlands are mapped within the application area. The closest known watercourse is Willyabrup Brook a minor perennial watercourse mapped approximately 290 metres west of the application area. Given the distance to the closest watercourse the clearing as proposed is unlikely to cause deterioration in the quality of surface water.

The groundwater salinity within the application area 1000-3000 milligrams per litre of Total Dissolved Solids (TDS). This level of groundwater salinity is considered to be brackish. The total clearing of 2.02 hectares of vegetation is not likely to have a significant impact on the quality of groundwater in the local area.

Given the above the clearing as proposed is not likely to be at variance to this principle.

Methodology GIS Database:
-Hydrology, linear
-Groundwater salinity, statewide

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

Comments Proposal is not likely to be at variance to this Principle

The proposed clearing is not expected to increase the incidence or intensity of flooding given its small size.

Therefore, the proposed clearing is not likely to be at variance to this principle.

Methodology

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

Comments

The amended application is to increase the area of clearing by 2.02 hectares from 1.42 hectares to 3.44 hectares of native vegetation for the purpose of extending an existing vineyard.

The area under application was part of a previously granted permit (CPS 354/1) in 2005 for 13.5ha by Foxland Investments Pty Ltd (expired 2 July 2007) for the purpose of horticulture. The proponent did not undertake any clearing under this permit.

An application to clear 14 ha of native vegetation (including the areas within CPS 5063/2) within Lot 30 on Plan 46641 Willyabrup for the development of a vineyard by the new owners Vasse Felix Pty Ltd was received on 19 February 2008. On 8th October 2009 application CPS 2372/1 was refused due to being at variance to a number of clearing principles and development approval being outstanding.

An application to clear 2.36 hectares (including approximately 0.5 hectares within CPS 5063/2) of native vegetation within Lot 30 on Plan 46641 Willyabrup for the development of a vineyard by Vasse Felix Pty Ltd was received on 18 May 2012. On 20 September 2012 Clearing Permit CPS 5063/1 was granted to clear 1.42 hectares of native vegetation within Lot 30, the area was amended to remove vegetation (including approximately 0.5 hectares within CPS 5063/2) that was considered to be a significant remnant in an extensively cleared area, contained significant fauna habitat and possibly contained priority flora.

On 3 July 2008 the former Department of Environment and Conservations (DEC) provided advice to the Shire of Busselton in relation to a planning approval application for Vasse Felix to extend the existing vineyard. DEC advised that it would not object to degraded areas of bushland being part of the proposal.

The Commissioner of Soil and Land Conservation (2012) advised the application to clear native vegetation within Lot 30 may be suitable for horticultural crops as the risk of land degradation is low.

City of Busselton issued planning consent for the extension of the vineyard in the application area on 21 May 2013.

No Aboriginal Sites of Significance are recorded within the application area.

The area under application is zoned as 'Viticulture/Tourism' under the local Town Planning Scheme.

The application area is located within the Cape to Cape North surface water area under the Rights in Water Irrigation Act 1914.

The application area is located within the Busselton-Capel groundwater area under the Rights in Water Irrigation Act 1914. A water licence is required. Vasse Felix Pty Ltd hold a current licence to take water valid until 5 December 2018 (DoW 2008).

To address the residual significant impacts identified in this assessment, the applicant has advised they are willing to enter into a conservation covenant under Section 30 of the Soil and Land Conservation Act 1945 to maintain and establish in perpetuity a 4.7 hectare area. This area contains; native vegetation in a very good (Keighery 1994) condition, black cockatoo foraging and possible breeding habitat and vegetation containing a high biological diversity.

Methodology

References:

- Commissioner of soil and land conservation (2012)
- DoW (2008)

GIS Database:

- Aboriginal Sites of Significance
- RIWI Act, Groudwater areas
- RIWI Act, Surface water areas, Irrigation Districts
- Town Planning Schemes Zones

4. References

- Commissioner of soil and land conservation (2012) Advice for clearing permit CPS 5063/1 - Vasse Felix Pty Ltd. Department of Agriculture and Food. Western Australia. (DEC Ref: A524545).
- DEC (2007 -) NatureMap: Mapping Western Australia's Biodiversity. Department of Environment and Conservation. URL: <http://naturemap.dec.wa.gov.au/>. Accessed May 2013
- DEC (2013) Site Inspection Report for Clearing Permit Application CPS 5063/2, Lot 30 on Plan 46641, Wilyabrup. Site inspection undertaken 2 May 2013. Department of Environment and Conservation, Western Australia (DEC Ref: A629335).
- DoW (2008) Licence To Take Water ? SWL166277(1). Department of Water. Western Australia. (DEC Ref:DOC74917).
- Government of Western Australia (2013) 2012 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of October 2012. WA Department of Environment and Conservation, Perth.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Mattiske, E.M. and Havel, J.J. (1998) Vegetation Complexes of the South-west Forest Region of Western Australia. Maps and report prepared as part of the Regional Forest Agreement, Western Australia for the Department of Conservation and Land Management and Environment Australia.
- Ngh (2013a) Level 2 Flora and Vegetation Survey ? Lot 30 Tom Cullity Drive, Wilyabrup. Western Australia.
- Ngh Environmental (2013b) Level 1 Fauna Survey and Habitat Assessment ? Lot 30 Tom Cullity Drive, Wilyabrup. Western Australia
- Ngh Environmental (2013d) Further information on condition of vegetation for clearing permit CPS 5063/2. Western Australia. (DER Ref: A715527)
- Northcote, K. H. with Beckmann G G, Bettenay E., Churchward H. M., van Dijk D. C., Dimmock G. M., Hubble G. D., Isbell R. F., McArthur W. M., Murtha G. G., Nicolls K. D., Paton T. R., Thompson C. H., Webb A. A. and Wright M. J. (1960-68): 'Atlas of Australian Soils, Sheets 1 to 10, with explanatory data'. CSIRO and Melbourne University Press: Melbourne.
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