



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: 6536/1

File Number: 2015/000604-1

Duration of Permit: From 7 November 2015 to 7 November 2017

PERMIT HOLDER

Perron Developments Pty Ltd

LAND ON WHICH CLEARING IS TO BE DONE

LOT 3 ON DIAGRAM 52809, BALDIVIS

LOT 510 ON DEPOSITED PLAN 202741, BALDIVIS

LOT 511 ON DEPOSITED PLAN 202741, BALDIVIS

LOT 512 ON DEPOSITED PLAN 202741, BALDIVIS

LOT 513 ON DEPOSITED PLAN 202741, BALDIVIS

LOT 519 ON DEPOSITED PLAN 202741, BALDIVIS

LOT 520 ON DEPOSITED PLAN 202741, BALDIVIS

LOT 521 ON DEPOSITED PLAN 202741, BALDIVIS

LOT 5 ON DIAGRAM 55050, BALDIVIS

LOT 6 ON DIAGRAM 55050, BALDIVIS

AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 1.4 hectares of native vegetation within the area hatched yellow on attached Plan 6536/1.

CONDITIONS

1. Fauna management

- (a) Prior to undertaking any clearing authorised under this Permit, the Permit Holder shall engage a *fauna specialist* to conduct a *fauna survey* of the Permit Area to identify *black cockatoo habitat tree/s* being utilised by fauna species listed below:
 - (i) *Calyptorhynchus latirostris* (Carnaby's cockatoo);
 - (ii) *Calyptorhynchus baudinii* (Baudin's cockatoo); and
 - (iii) *Calyptorhynchus banksii naso* (forest red-tailed black cockatoo).
- (b) Where fauna are identified under condition 1(a) of this Permit, the Permit Holder shall engage a *fauna specialist* to map *black cockatoo habitat tree/s* within the Permit Area.
- (c) Prior to undertaking any clearing authorised under this Permit, the Permit Holder shall provide the results of the *fauna survey* in a report to the CEO.
- (d) The *fauna survey* report must include the following:
 - (i) the location of the *black cockatoo habitat tree/s* recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings or decimal degrees; and
 - (ii) the location of any fauna species, listed in condition 1(a) if identified, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings or decimal degrees; and

- (iii) the name and amount of each fauna species identified; and
 - (iv) the methodology, used to survey the Permit Area; and
 - (v) a description of the *black cockatoo habitat tree/s* identified.
- (e) where fauna are identified under condition 1(a) of this Permit, the Permit Holder shall ensure that:
- (i) no clearing within 10 metres of *black cockatoo habitat tree/s* of the identified fauna occurs, unless first approved by the CEO; and
 - (ii) no taking of identified fauna occurs, unless first approved by the CEO.

DEFINITIONS

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

black cockatoo habitat tree/s: means trees that have a diameter, measured at 1.5 metres from the base of the tree, of 50 centimetres or greater;

fauna specialist: means a person who holds a tertiary qualification specializing in environmental science or equivalent, and has a minimum of 2 years work experience in fauna identification and surveys of fauna native to the region being inspected or surveyed, or who is approved by the CEO as a suitable fauna specialist for the bioregion, and who holds a valid fauna licence issued under the *Wildlife Conservation Act 1950*;

fauna survey: means a field-based investigation, including a review of established literature, of the biodiversity of fauna and/or fauna habitat of the Permit Area. Where conservation significant fauna are identified in the Permit Area, the survey should also include sufficient surrounding areas to place the Permit Area into local context;

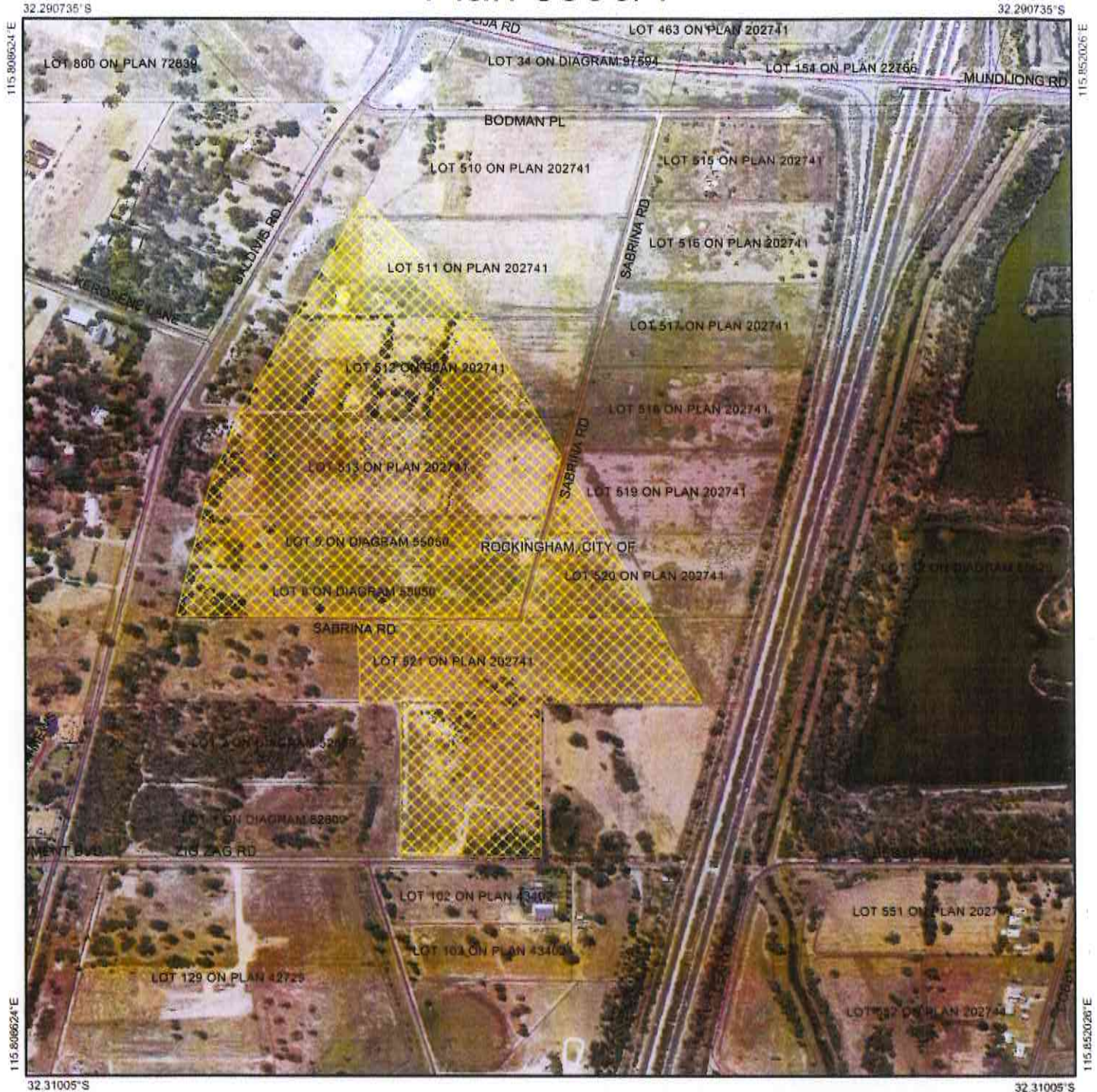


M Warnock
SENIOR MANAGER
CLEARING REGULATION

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

8 October 2015

Plan 6536/1



Legend

-  Roads
-  Imagery
-  Clearing Instruments Activities
-  Local Government Authority



(Approximate when reproduced at A4)
GDA 94 (Lat/Long)
Geocentric Datum of Australia 1994

M Warnock
Date 8/10/15
M Warnock

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



GOVERNMENT OF WESTERN AUSTRALIA
WA Crown Copyright 2015



1. Application details

1.1. Permit application details

Permit application No.: 6536/1
Permit type: Area Permit

1.2. Applicant details

Applicant's name: Perron Developments Pty Ltd

1.3. Property details

Property: LOT 3 ON DIAGRAM 52809, BALDIVIS
LOT 510 ON PLAN 202741, BALDIVIS
LOT 511 ON PLAN 202741, BALDIVIS
LOT 512 ON PLAN 202741, BALDIVIS
LOT 513 ON PLAN 202741, BALDIVIS
LOT 519 ON PLAN 202741, BALDIVIS
LOT 520 ON PLAN 202741, BALDIVIS
LOT 521 ON PLAN 202741, BALDIVIS
LOT 5 ON DIAGRAM 55050, BALDIVIS
LOT 6 ON DIAGRAM 55050, BALDIVIS

Colloquial name: Oswal Holding
Local Government Authority: ROCKINGHAM, CITY OF
DER Region: Greater Swan
DPaW District: SWAN COASTAL
LCDC:
Localities: BALDIVIS

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
1.4		Mechanical Removal	Stockpile/bulk earthworks

1.5. Decision on application

Decision on Permit Application: Granted
Decision Date: 08 October 2015

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
Beard Vegetation Association 968 is described as Medium woodland; jarrah, marri and wandoo (Shepherd et al, 2001).	The application is to clear up to 1.4 hectares of native vegetation from parkland cleared rural properties between Bodman Place and Zigzag Road, Baldivis, for the purpose of bulk earthworks to facilitate residential development. The vegetation proposed to be cleared represents all of the remaining native vegetation on the properties.	Completely Degraded; No longer intact, completely/almost completely without native species (Keighery, 1994).	The vegetation condition and description was determined from a site visit by Department of Environment Regulation (DER) officers on 26 May 2015 (DER, 2015) and supporting information provided by the applicant.
Hedde Vegetation Serpentine River Complex is comprised of closed scrub of Melaleuca species and fringing woodland of Eucalyptus rudis (Flooded Gum) - Melaleuca raphiophylla (Swamp Paperbark) along streams (Hedde et al, 1980).			The majority of the application area does not support native vegetation, with large cleared paddock areas and several old house sites with non-native garden trees (DER, 2015).
			The 1.4 hectares of native vegetation comprises sparsely scattered large native trees over pasture and weeds, a mature peppermint tree (<i>Agonis flexuosa</i>) and small areas of <i>Acacia</i> sp thickets (DER, 2015). The vegetation is in completely degraded (Keighery, 1994) condition and is not representative of the mapped community types.

Flora, vegetation and black cockatoo assessments have found the vegetation under application comprises isolated *Eucalyptus gomphocephala* (tuart) and *E. rudis* (flooded gum) trees over weeds with a few monoculture areas of *Acacia rostellifera* and one small area containing *Agonis flexuosa* (ENV Australia, 2012; ENV Australia, 2013).

3. Assessment of application against clearing principles

Comments The application is to clear up to 1.4 hectares of native vegetation in completely degraded (Keighery, 1994) condition (DER, 2015) for the purpose of bulk earthworks to facilitate residential development. This represents all of the vegetation within the 35 hectares of vacated, parkland cleared rural properties. The application area originally covered 67 hectares of parkland cleared rural properties but has been reduced to remove a small area of potential black cockatoo habitat, an area designated to be Public Open Space and areas that do not have approval for bulk earthworks (360 Environmental, 2015a), however the amount of clearing applied for has not changed.

The majority of the application area is mapped as a multiple use wetland and a major drainage channel bisects the centre of the application area and flows into the Peel Main Drain approximately 115 metres to the east. Considering the relatively small amount of proposed clearing and the parkland cleared condition of the vegetation, impacts to wetlands or water quality as a result of the clearing are not expected. Similarly, it is unlikely that the proposed clearing will result in appreciable land degradation or increased flooding.

The vegetation proposed to be cleared includes mature tuart and flooded gum trees (ENV Australia, 2012; ENV Australia, 2013) which are species that provide feeding and breeding resources for Carnaby's cockatoo (*Calyptorhynchus latirostris*), Baudin's cockatoo (*Calyptorhynchus baudinii*) and forest red-tailed black cockatoo (*Calyptorhynchus banksii* subsp. *naso*). These cockatoos are listed as rare or likely to become extinct under the Wildlife Conservation Act 1950 and are also protected under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. The application area is within the distribution range of these three cockatoos and is also within the buffer to a confirmed Carnaby's cockatoo roost site, approximately 1.4 kilometres to the west.

Black cockatoos generally forage within six kilometres of a night roost site (SEWPAC, 2012). There are additional confirmed Carnaby's cockatoo roost sites seven kilometres southwest and eight kilometres northeast of the application area. There is approximately two hectares of Low woodland of *Banksia attenuata*, *B. meziesii* with scattered *B. ilicifolia*, *Eucalyptus marginata* and *Allocasuarina fraseriana* in good (Keighery, 1994) condition in the southwest corner of the land holding, outside of the application area (ENV, 2013). This area is likely to comprise better black cockatoo feeding habitat than the area applied to be cleared, however the applicant advised this is intended to be developed as a school site in the future (360 Environmental, 2015b; DER, 2015).

A black cockatoo assessment was conducted over a larger footprint area by ENV Australia in July 2012. Mapping provided in ENV Australia's (2012) black cockatoo assessment indicates the application area contains seven hollow-bearing trees and a further 15 trees with a diameter at breast height of 50 centimetres or more. The changes to the application area have removed an extra seven trees with a diameter at breast height of 50 centimetres or more from the application area. Although no signs of foraging or roosting were observed during the black cockatoo assessment (ENV Australia, 2012), considering the presence of hollow bearing trees and foraging habitat in the application area, as well as the proximity to known roost sites and water sources, the vegetation under application may be significant as breeding habitat for local populations of black cockatoos. Fauna management conditions will minimise impacts to breeding black cockatoos. The applicant's consultant gave verbal advice during DER's site inspection on 26 May 2015 that black cockatoo food resource species will be included in revegetation works in an adjacent reserve (DER, 2015), which is zoned for Parks and Recreation.

The local area (ten kilometre radius) surrounding the application area is approximately 75 per cent cleared. The application area is mapped as highly cleared vegetation communities Beard Vegetation Association (BVA) 968 and Heddle Serpentine River Complex. These communities retain approximately seven per cent and ten per cent of the pre-European extent in the Swan Coastal Plain bioregion, respectively (Government of Western Australia, 2013; Parks and Wildlife, 2015). The National Objectives and Targets for Biodiversity Conservation include a target that prevents the clearance of ecological communities below 30 percent of the pre-European extent (Commonwealth of Australia, 2001). However, the vegetation under application is within a constrained area where the Environmental Protection Authority (EPA) provides for the reduction of vegetation complexes to a minimum of ten per cent of the pre-European extent (EPA, 2006). Although BVA 968 is below the ten per cent threshold, the vegetation under application is in completely degraded (Keighery, 1994) condition (DER, 2015) and is not representative of this vegetation type.

Considering the condition of the vegetation under application, it is unlikely to contain a high level of biodiversity and the proposed clearing is unlikely to impact any flora of conservation significance or threatened or priority ecological communities.

Given the nearest conservation area is more than 1.5 kilometres away, the proposed clearing is unlikely to impact on the value of any conservation areas.

Considering the above, the proposed clearing is at variance to principle (f), may be at variance to principle (b) and is not likely to be at variance to the remaining clearing principles.

Methodology

References:

360 Environmental (2015a)
360 Environmental (2015b)
Commonwealth of Australia (2001)
DER (2015)
ENV Australia (2012)
ENV Australia (2013)
EPA (2006)
Government of Western Australia (2013)
Keighery, B.J. (1994)
Parks and Wildlife (2015)
SEWPAC (2012)

GIS databases:

- Parks and Wildlife Tenure
- Hydrography, linear
- NLWRA, Current Extent of Native Vegetation
- Pre-European vegetation
- SAC Bio datasets (Accessed April 2015)

Planning instruments and other relevant matters.

- Comments** The proposed clearing is for the purpose of bulk earthworks to facilitate residential subdivision, prior to Subdivision Approval from the Western Australian Planning Commission being obtained. An application has not yet been lodged.
- The application area was amended during assessment, reducing the footprint from 67 hectares to 35 hectares of parkland cleared rural properties to remove areas that do not have approval for bulk earthworks (360 Environmental, 2015a). A small area of potential black cockatoo habitat and an area designated to be Public Open Space have also been removed, however the amount of clearing applied for has not changed.
- Due to the shallow depth of the groundwater, extensive filling of the site will be required and there are no opportunities to retain vegetation within the site (360 Environmental, 2015b).
- The City of Rockingham (the City) has advised the land is zoned 'Development' under its Town Planning Scheme No. 2 and that Planning Approval is required for any development that is not consistent with an Approved Structure Plan (City of Rockingham, 2015). The City has received a proposed Structure Plan for the application area and is currently assessing the proposal (City of Rockingham, 2015). The City advised that a portion of the area proposed to be cleared, south of Sabrina Road, has been identified in the Structure Plan as a location where remnant vegetation is to be retained in Public Open Space (City of Rockingham, 2015). This area has since been removed from the application. The applicant has been advised to contact the City of Rockingham to resolve this inconsistency with the Structure Plan it has proposed.
- The City of Rockingham (2015) advised that a portion of the application area has been granted Planning Approval for Bulk Earthworks and that a further Planning Approval will be required under the Town Planning Scheme No. 2 for the clearing of vegetation sought outside this area. Areas without Planning Approval have since been removed from the application.
- The project was deemed to be not a controlled action under the Environment Protection and Biodiversity Conservation Act 1999 on 4 December 2012 (EPBC 2012/6613).
- The application area is located within the Stakehill Groundwater Water Area – Tamworth Swamp subarea proclaimed under the Rights in Water and Irrigation Act 1914. The Department of Water (DoW, 2015) advised there is an in force groundwater licence associated with this development issued to the applicant in May 2013 and valid for ten years. Licence number GWL176055(1) authorises the applicant to take water for the irrigation of public open space and construction purposes (DoW, 2015).
- The Dampier to Bunbury Natural Gas Pipeline easement crosses through the application area which encumbers Lots 510, 511, 512, 513, 519, 520 and 521 on Deposited Plan 202741. It is the applicant's responsibility to gain authorisation to access this easement.
- The applicant is the land owner of the properties within the application area.
- No public submissions have been received in response to this application.
- There are no Aboriginal Sites of Significance mapped within the application area.

- Methodology** References:
- 360 Environmental (2015a)
 - 360 Environmental (2015b)
 - City of Rockingham (2015)
 - Department of Water (2015)
- GIS datasets:
- Aboriginal Sites of Significance
 - RIWI Act, Groundwater Areas

4. References

- 360 Environmental (2015a) Amendments to Clearing Permit Application CPS 6536/1. DER Ref: A984922; A984925
- 360 Environmental (2015b) Application for a clearing permit - Oswal Landholding, Baldivis. Clearing Permit Application CPS 6536/1. 360 Environmental Pty Ltd, March 2015. DER Ref: A894327
- City of Rockingham (2015) Advice for Clearing Permit Application CPS 6536/1. DER Ref A909648
- Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.
- Department of Water (2015) Advice for Clearing Permit Application CPS 6536/1. Department of Water, Western Australia. DER Ref A906416
- DER (2015) Site Inspection Report for Clearing Permit Application CPS 6536/1. Site inspection undertaken 26/05/2015. Department of Environment Regulation, Western Australia. DER Ref A921681
- ENV Australia (2012) Black cockatoo assessment - Oswals Land Baldivis. ENV Australia Pty Ltd, July 2013. DER Ref A894322
- ENV Australia (2013) Flora and vegetation assessment of Zigzag Road, Oswal Land, Baldivis. ENV Australia Pty Ltd, May 2013. DER Ref: A894327
- EPA (2006) Guidance for the Assessment of Environmental Factors - Level of Assessment for Proposals Affecting Natural

Areas Within the System 6 Region and Swan Coastal Plain Portion of the System 1 Region. Guidance Statement No 10. Environmental Protection Authority, Western Australia.

- Government of Western Australia (2013) 2013 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of June 2013. WA Department of Parks and Wildlife, Perth.
- Hedde, E. M., Loneragan, O. W., and Havel, J. J. (1980) Vegetation Complexes of the Darling System, Western Australia. In Department of Conservation and Environment, Atlas of Natural Resources, Darling System, Western Australia.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Parks and Wildlife (2015) 2015 South West Forest and Swan Coastal Plain Vegetation Complex Statistics: a report prepared for the Department of Environment Regulation. Current as of March 2015. Department of Parks and Wildlife, Perth, Western Australia.
- SEWPAC (2012) Environment Protection and Biodiversity Conservation Act 1999 draft referral guidelines for three threatened black cockatoo species: Carnaby's cockatoo (endangered) *Calyptorhynchus latirostri*, Baudin's cockatoo (vulnerable) *Calyptorhynchus baudinii*, Forest red-tailed black cockatoo (vulnerable) *Calyptorhynchus banksii naso*. Department of Sustainability, Environment, Water, Population and Communities, Canberra.
- Shepherd, D.P., Beeston, G.R. and Hopkins, A.J.M. (2001) Native Vegetation in Western Australia, Extent, Type and Status. Resource Management Technical Report 249. Department of Agriculture, Western Australia.