



1. Application details

1.1. Permit application details

Permit application No.: 6561/1
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: B & J Catalano Pty Ltd

1.3. Property details

Property: LOT 8 ON DIAGRAM 53858, BULLSBROOK
Local Government Authority: SWAN, CITY OF
DER Region: Greater Swan
DPaW District: PERTH HILLS
LCDC: NORTH SWAN
Localities: BULLSBROOK

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
3		Mechanical Removal	Extractive industry

1.5. Decision on application

Decision on Permit: Refused

Application:

Decision Date: 9 December 2016

Reasons for Decision: On 28 April 2015 the applicant applied to clear three hectares of native vegetation for the purpose of extractive industry.

The clearing application has been assessed against the clearing principles in Schedule 5 of the *Environmental Protection Act 1986*. In accordance with section 51O, the Delegated Officer has also had regard to planning instruments and other matters considered relevant.

The Delegated Officer determined that the proposed clearing is not at variance to principles (f) and (h), is not likely to be at variance to the remaining clearing principles and is not likely to have any significant environmental impacts.

In determining to refuse to grant a clearing permit, the Delegated Officer has had regard to the advice of the City of Swan that planning approval has not been obtained for the purpose of extractive industry.

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 1020: Medium jarrah-marri / Medium woodland; marri-wandoo (Shepherd et al., 2001).	The applicant proposes to clear three hectares of native vegetation within Lot 8 on Diagram 53558, Robinson, City of Swan for the purpose of extractive industry.	Completely Degraded: No longer completely/almost completely without native species (Keighery 1994). To	The vegetation under application consists of Marri, Jarrah over Xanthorrhoea preissii scattered through the applied area. There was no midstorey present and the ground cover consisted of grasses/weeds.
Heddle vegetation complex Reagan: Vegetation ranges from low open woodland of Banksia species <i>Eucalyptus tottiana</i> (Pricklybark) to closed heath depending on the depth of soil (Hedde		Good; Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery, 1994).	The area under application appears to have been previously disturbed, possibly subject to past activities such as grazing and logging. The vegetation under application is in a completely degraded to good (Keighery, 1994) condition (DER, 2015). The condition and structure of the vegetation under application was obtained through a site inspection undertaken by the Department of Environment Regulation

3. Assessment of application against clearing principles

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

Comments **Proposed clearing is not likely to be at variance to this Principle**
 The application is to clear three hectares within a 233 hectare property being Lot 8 on Diagram 53858, Bullsbrook, for the purpose of extractive industry.

The vegetation under application is very open, consisting of Marri and Jarrah trees, with *Xanthorrhoea preissii* scattered through the application area. There was no midstorey present and the ground cover largely consists of grasses/weeds. The application area appears to have been previously disturbed, possibly subject to past activities such as grazing and clearing for forestry products. The vegetation under application is in a completely degraded to good (Keighery, 1994) condition (DER, 2015) with majority of the vegetation under application in a degraded to completely degraded (Keighery, 1994) condition (DER, 2015).

A total of 23 priority flora and seven rare flora species have been mapped in the local area (10 kilometre radius). Given the application area has been subject to past disturbances and that the majority of the vegetation proposed for clearing is in a degraded to completely degraded (Keighery, 1994) condition (DER, 2015), it is unlikely rare or priority flora occur within the application area. Therefore, the proposed clearing is unlikely to have an impact on the conservation status of these species.

According to available databases, there are no priority ecological communities mapped within the local area (10 kilometre radius).

Given that majority of the vegetation under application is in a degraded to completely degraded (Keighery, 1994) condition (DER, 2015), it considered that the clearing area is not likely to comprise a high level of biological diversity.

The proposed clearing is not likely to be at variance to this Principle.

Methodology **References**
 DER (2015)
 Keighery, (1994)

GIS Databases
 SAC Bio Datasets (Accessed November 2016)

(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 **Proposed clearing is not likely to be at variance to this Principle**
 Fifteen species of conservation significance have been recorded within the local area (10 kilometre radius). The application area is likely to provide suitable habitat for two of these species, namely the Carnaby's cockatoo (*Calyptorhynchus latirostris*) and forest red-tailed black cockatoo (*Calyptorhynchus banksii* subsp. *naso*) (Department of Parks and Wildlife, 2007-). These species are listed as rare or likely to become extinct under the Wildlife Conservation Act 1950 and endangered and vulnerable under the Environment Protection and Biodiversity Conservation Act 1999 respectively.

A site inspection undertaken by DER identified the vegetation proposed for clearing to be very open consisting of Marri and Jarrah over ground cover that is largely comprised of weeds with grass trees scattered throughout the application area (DER, 2015). The application area has no midstorey and very little native understorey present, therefore it is unlikely to offer significant habitat for ground dwelling fauna that occur in the local area.

The area under application has been mapped within a confirmed breeding area for Carnaby's cockatoo. The area under application is not mapped within a confirmed roost site or feeding area for Carnaby's cockatoo. Although the vegetation under application contains suitable habitat for the Carnaby's cockatoo and forest red-tailed black cockatoo species, it is unlikely to be significant given the sparseness and condition of the vegetation (DER, 2015).

Of the identified trees within the applied area, none were observed as having hollows that would be suitable for breeding purposes for the abovementioned cockatoo species. The trees are also unlikely to provide significant roosting habitat (DER, 2015).

Considering the above, the proposed clearing is not likely to be at variance to this Principle.

Methodology **References:**
 DER (2015)
 Parks and Wildlife (2007-)

GIS Databases
 Carnaby cockatoo breeding sites
 Carnaby cockatoo feeding
 Carnaby cockatoo roosting

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

Comments Proposed clearing is not likely to be at variance to this Principle
 According to available rare flora databases, seven rare flora species have been recorded within the local area (10 kilometre radius). The closest rare flora species is approximately 700 metres from the application area. Of the other recorded nearby rare flora species, none have been identified as occurring within the same soil type and vegetation association/complex as that mapped within the application area.

Considering the above and that the majority of the vegetation under application is in a degraded to completely degraded (Keighery, 1994) condition (DER, 2015), it is unlikely that the area under application contains rare flora or provides suitable habitat for rare flora species.

The proposed clearing is not likely to be at variance to this Principle.

Methodology References:
 DER (2015)
 Keighery, (1994)

GIS Databases
 SAC Bio Datasets (Accessed November 2016)

(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 Proposed clearing is not at variance to this Principle
 A total of six recorded threatened ecological communities (TEC) have been recorded within the local area (10 kilometre radius). The recorded TEC's comprise of *Eucalyptus - Kingia australis* woodlands, *Eucalyptus calophylla - Xanthorrhoea preissii* woodlands and shrublands, Forests and woodlands of deep seasonal wetlands, Herb rich shrublands in clay pans and Shrublands and woodlands on muchea limestone.

The application area is not a representation of the above mentioned TEC's nor is the proposed clearing likely to impact upon the identified TEC's.

The proposed clearing is not at variance to this Principle.

Methodology GIS Databases
 SAC Bio Datasets (Accessed November 2016)

(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 Proposed clearing is not likely to be at variance to this Principle
 The vegetation under application is represented by Beard vegetation association 1020 and Mattiske vegetation complex Reagan which have 27 and 23 per cent of their pre-European vegetation remaining within the Swan Coastal Plain IBRA Bioregion respectively (Government of Western Australia, 2015; Parks and Wildlife, 2015).

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). The mapped vegetation association and vegetation complex are under the 30 per cent threshold.

There is approximately 25 per cent of pre-European native vegetation remaining within 10 kilometres of the application area which includes large remnants within conservation areas (13 Bush forever sites, four nature reserves and one national park). The majority of the application area is in a degraded to completely degraded (Keighery 1994) condition (DER, 2015), and is not likely to be a significant remnant.

The proposed clearing is not likely to be at variance to this Principle.

	Pre-European (ha)	Current Extent (ha)	Remaining (%)	Extent in Parks and Wildlife Managed Lands (%)
IBRA Bioregion*				
Swan Coastal Plain	1,501,222	580,697	39	37

Shire*				
City of Swan	104,436	44,924	43	29
Beard Vegetation Association in Bioregion*				
1020	5,295	1,460	27	6
Mattiske Vegetation Complex **				
Reagan Complex	2,771	649	23	0.5

Methodology References:
Commonwealth of Australia (2001)
Government of Western Australia (2015)
Parks and Wildlife (2015)

GIS Databases:
Mattiske Vegetation Complexes
Interim Biogeographic Regionalisation of Australia
Pre-European Vegetation

(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 **Proposed clearing is not at variance to this Principle**
The closest hydrological feature to the application area is an unnamed multiple use wetland mapped approximately 330 metres from the area under application. A conservation category wetland is also situated approximately 560 metres away from the proposed clearing area.

A site inspection of the application area identified that the vegetation under application consists predominately of Marri and Jarrah over grass trees which are scattered through the applied area (DER, 2015). The vegetation under application is not growing in association with the nearby multiple use or conservation category wetland.

The proposed clearing is not at variance to this Principle.

Methodology References:
DER (2015)

GIS Databases
Geomorphic Wetlands (Mgt Categories) Swan Coastal Plain
Hydrography, linear

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

Comments **Proposed clearing is not likely to be at variance to this Principle**
The area under application consists of broad valleys and undulating interfluvial areas with discontinuous breakaways. Chief soils are sandy acidic yellow soils containing ironstone gravels (Northcote et al, 1960-1968).

Sandy soils are prone to wind erosion, however given the sparseness of the vegetation under application and that the majority of it is in a degraded to completely degraded (Keighery, 1994) condition (DER, 2015), it is not likely that wind erosion will result in appreciable land degradation.

Leached sands are highly permeable, and given the moderate average rainfall (800 millimetres) it is not likely that the proposed clearing will result in water erosion.

The proposed clearing is not likely to be at variance to this Principle.

Methodology References:
DER (2015)
Keighery, (1994)
Northcote, (1960-68)

(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 **Proposed clearing is not at variance to this Principle**
The closest conservation area to the application area is Bushforever site 291, located approximately 290 metres from the area under application. Bullsbrook Nature Reserve is located approximately 525 metres from the area under application.

Aerial imagery indicates that the vegetation within the application area, Bush forever site 291 and the nature reserve are not linked, nor does the application area act as stepping stone to facilitate the movement of fauna into these conservation areas.

The proposed clearing will not impact on any conservation areas and is not at variance to this Principle.

Methodology GIS Databases
Parks and Wildlife, Tenure
Bush Forever

(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 Proposed clearing is not likely to be at variance to this Principle

The closest watercourse/body to the application area is an unnamed multiple use wetland mapped approximately 330 metres from the area under application. A conservation category wetland is also situated approximately 560 metres away from the application area.

The clearing of three hectares is proposed within a property of 233 hectares in size. More than 95 per cent of the property has no native vegetation present, and the soils on the property consist of leached sands which are highly permeable. In considering this, it is unlikely the proposed clearing will cause any localised surface water sedimentation that may impact upon the nearby wetlands.

Groundwater salinity is mapped at 500 to 1000 total dissolved solids milligrams per litre (marginal) on site. Given this low salinity level, and relatively small amount of clearing within a large property, it is not likely the proposed clearing will lead to a perceptible rise in the water table and thus an increase in groundwater salinity levels.

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

Methodology GIS Databases:
Geomorphic Wetlands (Mgt Categories), Swan Coastal Plain
Hydrography, 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 Proposed clearing is not likely to be at variance to this Principle

There are no watercourses or wetlands mapped or observed within the application area (DER, 2015). The soils within the application area are of a sandy nature which are considered to be well drained.

Considering the above, the proposed clearing is not likely to cause or exacerbate the incidence or intensity of flooding and therefore is not likely to be at variance to this Principle.

Methodology References:
DER (2015)

GIS Databases:
Geomorphic Wetlands (Mgt Categories), Swan Coastal Plain
Hydrography, linear
Groundwater Salinity, Statewide

Planning instruments and other relevant matters.

Comments The application area falls within the Swan Groundwater Area, proclaimed under the *Rights in Water and Irrigation Act 1914*. The Department of Water has been advised of the application, assessed the application and provided no comments (DoW, 2015)

A submission from the North Swan Land Conservation District Committee (2015) was received with concerns that the proposed clearing will impact on Carnaby's Cockatoo. The concerns raised in the submission have been addressed within principle (b) of this preliminary assessment report.

The City of Swan (2015) advised on 24 June 2015 that an application has been received from the applicant for the purpose of extractive industry. DER advised the applicant via registered post on the 3 August 2015 that a decision on the application would be deferred until planning approval from the City of Swan has been obtained.

On 20 October 2016 a Delegated Officer of DER wrote to the applicant advising that the Department has not received a copy of the City of Swan's planning approval. The applicant was advised that under section 51O(4) of the EP Act, the Delegated Officer is required to have regard to any planning instrument or other matter considered relevant. The lack of planning approval is a relevant consideration. The applicant was provided 30 days from the date of the letter to provide a copy of the planning approval. The letter advised that in the absence of receiving a copy of the planning approval, it is likely that the application would be refused. At the date of this decision, a copy of the planning approval has not been provided.

Methodology References:
City of Swan (2015)
DoW (2015)
North Swan Land Conservation District Committee (2015)

GIS Databases
RIWI Act, Groundwater Areas
RIWI Act, Surface water Areas

4. References

- City of Swan (2015). Advice received in relation to Clearing Permit Application CPS 6561/1 – B & J Catalano Pty Ltd. (DER Ref: A931469).
- Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.
- DER (2015) Site Inspection Report for Clearing Permit Application CPS 6561/1, B & J Catalano. Site inspection undertaken 12 May 2015. Department of Environment Regulation, Western Australia (Ref: A938025).
- DoW (2015) Advice received in relation to Clearing Permit Application CPS 6561/1 – B & J Catalano Pty Ltd. Department of Water, 2015 (DER Ref: A930253).
- 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.
- 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.
- 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.
- North Swan Land Conservation District Committee (2015). Submission received in relation to Clearing Permit Application CPS 6561/1 – B & J Catalano Pty Ltd. (DER Ref: A931469).
- Parks and Wildlife (2007-) NatureMap: Mapping Western Australia's Biodiversity. Department of Parks and Wildlife. URL: <http://naturemap.dpaw.wa.gov.au/>. Accessed 28/11/2016
- 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.
- 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.