



## CLEARING PERMIT

*Granted under section 51E of the Environmental Protection Act 1986*

<b>Purpose Permit number:</b>	CPS 7080/1
<b>Permit Holder:</b>	Indian Ocean Wine Company Pty Ltd
<b>Duration of Permit:</b>	16 September 2017 – 16 September 2022

The Permit Holder is authorised to clear native vegetation subject to the following conditions of this Permit.

### PART I – CLEARING AUTHORISED

**1. Purpose for which clearing may be done**  
Clearing for the purpose of dam expansion.

**2. Land on which clearing is to be done**  
Lot 110 on Deposited Plan 72100, Wilyabrup

**3. Area of Clearing**  
The Permit Holder must not clear more than 0.33 hectares of native vegetation within the area cross-hatched yellow on attached Plan 7080/1.

**4. Application**  
This Permit allows the Permit Holder to authorise persons, including employees, contractors and agents of the Permit Holder, to clear native vegetation for the purposes of this Permit subject to compliance with the conditions of this Permit and approval from the Permit Holder.

A handwritten signature in blue ink, appearing to read "Emma Bramwell", written over a horizontal line.

Emma Bramwell  
A/MANAGER  
CLEARING REGULATION

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

21 August 2017

# Plan 7080/1

33.785269°S

33.785269°S

115.059582°E

115.06348°E









115.059582°E

115.06348°E

33.787466°S

33.787466°S

## Legend

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



0 100m

1:1,913

(Approximate when reproduced at A4)

GDA 94 (Lat/Long)

Geocentric Datum of Australia 1994

*E Branwell* Date *21/08/17*  
**E BRANWELL**

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



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## 1. Application details

### 1.1. Permit application details

Permit application No.: 7080/1  
Permit type: Purpose Permit

### 1.2. Applicant details

Applicant's name: Indian Ocean Wine Company Pty Ltd

### 1.3. Property details

Property: LOT 100 ON PLAN 63667, WILYABRUP  
Colloquial name:  
Local Government Authority: BUSSELTON, CITY OF  
DER Region: Greater Swan  
DPaW District: BLACKWOOD  
LCDC:  
Localities: WILYABRUP

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
0.33		Mechanical Removal	Dam construction or maintenance

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 21 August 2017  
Reasons for Decision: The clearing permit application was received on 23 May 2016 and has been assessed against the clearing principles, planning instruments and other matters in accordance with section 51O of the *Environmental Protection Act 1986*. It has been concluded that the proposed clearing is at variance to principle (f) and is not likely to be at variance to any of the remaining clearing principles.  
  
The Delegated Officer determined that the clearing is unlikely to have any significant environmental impacts.

## 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
Mattiske vegetation complex Ww2: Tall open forest of <i>Corymbia calophylla</i> - <i>Agonis flexuosa</i> on flats and valleys in perhumid and humid ones (Mattiske and Havel, 1998).	The application is for the clearing of 0.33 hectares of native vegetation within Lot 110 on Deposited Plan 72100, Wilyabrup for the purpose of a dam expansion.	Degraded; Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994).	The condition of the vegetation under application was determined via aerial imagery.

## 3. Assessment of application against clearing principles

**Comments** The application is for the clearing of 0.33 hectares of native vegetation within Lot 110 on Deposited Plan 72100, Wilyabrup for the purpose of a dam expansion. Based on aerial imagery the native vegetation within the application area is in a degraded (Keighery, 1994) condition.

According to the available datasets, a total of 11 priority flora species have been mapped within the local area (five kilometre radius). The closest record is the Priority 3 species *Acacia inops*, recorded approximately 550 metres from the application area. This species is a weak, scrambling, pungent shrub approximately 0.4 to 1.1 metres high with white to cream flowers and inhabits areas of black peaty sand, clay within swamps and creeks (WA Herbarium, 1998-).

Priority 3 flora species are known from several locations, and the species do not appear to be under imminent threat, or are known from few but widespread locations with either large population size or significant remaining areas of apparently suitable habitat, much of it not under imminent threat (Jones, 2015). The proposed clearing is not likely to significantly impact on this species.

According to the available datasets, no threatened ecological communities (TEC) or rare flora species have been mapped within the local area. Noting the extent of the proposed clearing and the condition of the native vegetation, the application area is not likely to comprise of, or be necessary for the maintenance of, a TEC or rare flora.

According to the available datasets, eight conservation-significant fauna species have been recorded within the local area. These include the threatened species Carnaby's cockatoo (*Calyptorhynchus latirostris*), Baudin's cockatoo (*Calyptorhynchus baudinii*), forest red-tailed black cockatoo (*Calyptorhynchus banksii* subsp. *naso*), chuditch (*Dasyurus geoffroii*) and western ringtail possum (*Pseudocheirus occidentalis*), and the Priority 4 species quenda (*Isodon obesulus* subsp. *fusciventer*) (DBCA, 2007-). Noting the extent of the proposed clearing and condition of the native vegetation, the application area is not likely to comprise significant habitat for indigenous fauna including species of conservation significance.

The *National Objectives and Targets for Biodiversity Conservation* includes a target that does not support the clearing of ecological communities with an extent below 30 per cent of that present pre-European settlement (Commonwealth of Australia 2001). The application area is located within the Warren Interim Biogeographic Regionalisation of Australia (IBRA) bioregion and City of Busselton, which retain approximately 79 and 35 per cent of their pre-European vegetation extents respectively (Government of Western Australia 2016). Aerial imagery indicates that the local area retains approximately 35 per cent native vegetation cover. Noting these extents and the condition of the native vegetation within the application area, the application area is not likely to be a significant remnant in an extensively cleared landscape.

There is an existing dam on the property, constructed on a minor perennial watercourse that traverses the application area. The proposed clearing may impact on native vegetation growing in association with this watercourse. Noting the extent of the proposed clearing and the condition of the vegetation within the application area, the proposed clearing is not likely to significantly impact on riparian vegetation.

The closest conservation area is the Yelverton National Park located approximately 2.7 kilometres north east of the application area. Noting the distance to this national park, and the condition of the native vegetation within the application area, the proposed clearing is not likely to impact on the environmental values of this conservation area.

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

#### Methodology

##### References:

Commonwealth of Australia (2001)  
Jones (2015)  
Keighery (1994)  
DBCA (2007- )  
Western Australian Herbarium (1998- )

##### GIS Databases:

- Parks and Wildlife Tenure
- Hydrography, linear
- Hydrography, heirachery
- IBRA Australia
- Groundwater salinity, statewide
- Pre-European Vegetation
- SAC Biodatasets (Accessed August 2017)

#### Planning instruments and other relevant matters.

##### Comments

The proposed clearing is within the Cape to Cape North Surface Water Area, which is an area proclaimed under the *Rights in Water and Irrigation Act 1914*. The former Department of Water noted that the proposed clearing is located over a waterway in flat low lying land just north and upstream of an existing dam, and advised that any taking or diversion of surface water in this proclaimed area can be subject to licensing, and any interference of the watercourse will require a permit to interfere with bed or banks (DoW, 2016). The applicant has an existing permit to interfere with the bed and banks of the watercourse (DoW, 2016).

The City of Busselton (2016) advised that the proposed landuse will require planning approval in accordance to Part 9 (d)(iv)(II) of the *City of Busselton Local Planning Scheme No. 21* (City of Busselton, 2016). The applicant has received development approval from the City of Busselton for a gully wall dam extension within Lot 110 Harmans Mill Road, Wilyabrup.

No registered Aboriginal Sites of Significance occur within the application area.

The clearing permit application was advertised in *The West Australian* newspaper on 15 June 2016. No public submissions have been received in relation to this application.

##### Methodology

##### References:

City of Busselton (2016)  
DoW (2016)

##### GIS datasets:

- Aboriginal Sites of Significance

#### 4. References

- City of Busselton (2016) Advice received in relation to Clearing Permit Application CPS 7080/1 – Indian Ocean Wine Company Pty Ltd (DER Ref:A1129323).
- Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.
- Department of Biodiversity, Conservation and Attractions (DBCAs) (2007-) NatureMap: Mapping Western Australia's Biodiversity. Department of Parks and Wildlife. URL: <http://naturemap.dpaw.wa.gov.au/>. Accessed August 2017
- Department of Water (DoW) (2016) Advice received in relation to Clearing Permit Application CPS 7080/1 – Indian Ocean Wine Company Pty Ltd (DER Ref:A1123223).
- Government of Western Australia (2016). 2016 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of October 2016. WA Department of Parks and Wildlife, Perth.
- Jones, A. (2015) Threatened and Priority Flora List, 11 November 2015. Department of Parks and Wildlife: Kensington, WA.
- 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.
- Western Australian Herbarium (1998-) FloraBase - The Western Australian Flora. Department of Parks and Wildlife. <http://florabase.dpaw.wa.gov.au/> (Accessed July 2016).



# Complying with your permit to clear native vegetation

*Environmental Protection Act 1986*

## Purpose

This fact sheet provides information about clearing permits granted under the *Environmental Protection Act 1986* (EP Act).

## Clearing permits

A clearing permit allows for legal clearing of native vegetation.

Clearing permit holders are responsible for ensuring the requirements of the clearing permit are followed.

Clearing permits should be stored in a secure place which can be accessed if details need to be checked.

If there are any particulars of the clearing permit that are unclear, please contact the Department of Environment Regulation (DER) on +61 8 6467 5000. If the clearing permit is for a mining or petroleum project please contact the Department of Mines and Petroleum (DMP) on +61 8 9222 3333.

## Types of clearing permits

Clearing permits either allow the clearing of a specific area (area permit) or for a specific purpose (purpose permit):

### Area permits

An area permit specifies how and where the clearing will be undertaken.

- **Land on which clearing is to be done—** describes the land covered by the clearing permit. The clearing permit plan will show where on this land clearing is allowed.

- **Authorised activity:** Describes how the clearing is to be carried out.

### Purpose permits

Conditions set within the clearing permit will describe for what purpose and areas where clearing is allowed.

## Clearing permits may contain conditions

Area permits and purpose permits may be subject to conditions. The types of conditions that are placed on a clearing permit depend on the outcome of the environmental impact assessment. Conditions are used to prevent, control, abate or mitigate environmental harm or to offset the loss of the cleared vegetation.

Conditions may relate to record keeping, reporting, revegetating or other actions.

- **Record keeping and submitting reports:** If the clearing permit requires the holder to keep records or submit reports, they must be submitted by the due date. If this is not possible DER or DMP should be notified.
- **Revegetating:** Some clearing permits require land to be revegetated. A range of companies and organisations provide advice and services to achieve this.

Some clearing permits will have no conditions attached.

Definitions of terms specific to the conditions may be included to clarify what is required. Additional terms may be defined separately in the EP Act.

lodge an appeal can be found on the [Office of the Appeals Convenor's website](#).

Area permits may be transferred to a new property owner by submitting a 'Notification of change of land ownership' ([Form C5](#)). The clearing permit will not be valid until this transfer is completed.

Permit holders who no longer wish to clear or have completed clearing before the end of the permitted period may submit an 'Application to surrender a clearing permit' ([Form C6](#)) to end the clearing permit and any conditional requirements.

On completion of clearing or expiry of the clearing permit, ensure all required records have been submitted.

### More information

For advice on native vegetation clearing, or related matters, please contact DER on +61 8 6467 5000 and for State Agreements, mining or petroleum contact DMP on +61 8 9222 3333.

This document is available in alternative formats and other languages on request.

### Related documents

More guidelines and fact sheets on native vegetation clearing processes are available from [DER's website](#).

### Legislation

This document is provided for guidance only. It should not be relied upon to address every aspect of the relevant legislation. Please refer to the State Law Publisher (SLP) for copies of the relevant legislation, available electronically from the [SLP website](#).

### Disclaimer

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### Legal advice

The information provided to you by DER in relation to this matter does not constitute legal advice. Due to the range of legal issues potentially involved in this matter, DER recommends that you obtain independent legal advice.