



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: 7086/1
File Number: 2016/000802-1
Duration of Permit: 13 August 2016 to 17 May 2018

PERMIT HOLDER

NG Perry Testamentary Trust

LAND ON WHICH CLEARING IS TO BE DONE

Lot 101 on Deposited Plan 73957, Madora Bay

AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 5.98 hectares of native vegetation within the areas cross hatched yellow on attached Plan 7086/1.

CONDITIONS

1. 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; and
 - (c) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

Definitions

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

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;

weeds/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 a Department of Parks and Wildlife Regional Weed Rankings Summary, regardless of ranking; or
- (c) not indigenous to the area concerned.

A handwritten signature in black ink, appearing to read "S. Rogers".

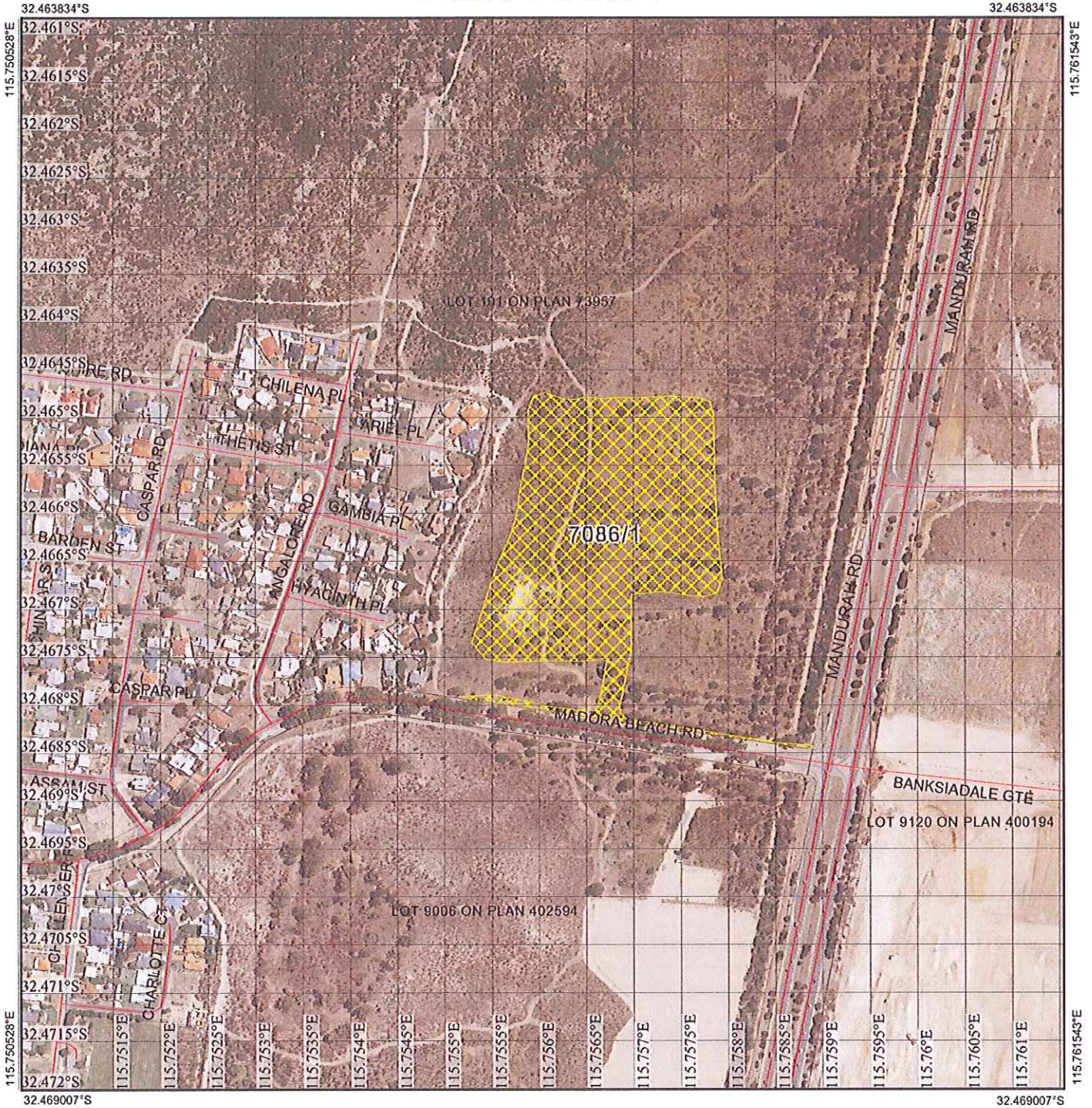
Samara Rogers
A/MANAGER

CLEARING REGULATION

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

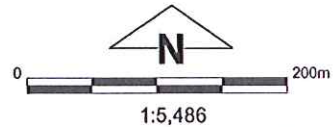
14 July 2016

Plan 7086/1



Legend

-  Roads
-  Imagery
-  Clearing Instruments Activities



(Approximate when reproduced at A4)
GDA 94 (Lat/Long)

Geocentric Datum of Australia 1994

S. Rogers Date *14/7/2016*
Samara Rogers

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.: 7086/1
Permit type: Area Permit

1.2. Applicant details

Applicant's name: NG Perry Testamentary Trust

1.3. Property details

Property: LOT 101 ON PLAN 73957, MADORA BAY
Local Government Authority: MANDURAH, CITY OF
DER Region: Greater Swan
DPaW District: SWAN COASTAL
Localities: MADORA BAY

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Granted
Decision Date: 14 July 2016
Reasons for Decision: The clearing permit application has been assessed against the clearing principles, planning instruments and other matters in accordance with s51O of the *Environmental Protection Act 1986*, and it has been concluded that the proposed clearing is not likely to be at variance to any of the clearing principles.

The Delegated Officer determined that the clearing is unlikely to have any significant environmental impacts. State policies and other relevant policies have been taken into consideration in the decision to grant a clearing permit.

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
Hedde vegetation Cottesloe Complex-Central and/South is comprised of mosaic of woodland of Eucalyptus gomphocephala (tuart) and open forest of Eucalyptus gomphocephala, Eucalyptus marginata and Corymbia calophylla (marri); closed heath on the Limestone outcrops (Hedde et al., 1980).	The applicant proposes to clear 5.98 hectares of native vegetation within Lot 101 on Deposited Plan 73957, Madora Bay, for the purpose of storing fill from a nearby residential development.	Degraded; Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994). To Completely Degraded: No longer intact; completely /almost completely without native species (Keighery 1994)	The condition and description of the vegetation was determined via a site inspection undertaken by Department of Environment Regulation (DER) officers (DER, 2016) and a Level 1 Flora and Fauna Assessment undertaken by Ecoscape Australia Pty Ltd (Ecoscape, 2011). The vegetation within the application area comprises a mixture of <i>Acacia rostellifera</i> heath and <i>Allocasuarina humilis</i> and <i>Hakea prostrata</i> heath and shrubland over exotic species including <i>Poaceae</i> sp., <i>Trachyandra divaricata</i> and <i>Hypochaeris glabra</i> grassland (Ecoscape, 2011; DER, 2016).
Beard vegetation association 997 is described as shrublands comprising melaleuca heath (Shepherd et al., 2001).			

3. Assessment of application against clearing principles

Comments The clearing permit application is to clear 5.98 hectares of native vegetation within Lot 101 (formerly Lot 100) on Deposited Plan 73957, Madora Bay (the property), for the purpose of storing fill from an adjacent residential development.

The vegetation within the application area comprises a mixture of *Acacia rostellifera* heath and *Allocasuarina humilis* and *Hakea prostrata* heath and shrubland over exotic species *Poaceae* sp., *Trachyandra divaricata*, and *Hypochaeris glabra* grassland (Ecoscape, 2011; DER, 2016).

The application area is in a degraded to completely degraded (Keighery, 1994) condition (DER, 2016), which is

the result of long term cattle grazing on the property (Ecoscape, 2011).

A track runs through the application area west of the centreline and the vegetation condition generally improves from completely degraded to degraded (Keighery, 1994) when moving from the east to the west side of this track (DER, 2016).

A total of 16 priority flora and two rare flora species have been mapped in the local area (10 kilometre radius). A level 1 flora survey identified two priority flora species within the property, being *Beyeria cinerea* subsp. *cinerea* (Priority 3) and *Conostylis pauciflora* subsp. *pauciflora* (Priority 4) (Ecoscape, 2011). No rare flora species were or threatened or priority ecological communities were identified (Ecoscape, 2011).

A total of six *Beyeria cinerea* subsp. *cinerea* individuals were identified over four localities within the southern portion of the property (Ecoscape, 2011). The closest locality was recorded approximately 45 metres from the eastern boundary of the application area. 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.

Priority 4 flora species are considered to have been adequately surveyed, or for which sufficient knowledge is available, and are considered not currently threatened or in need of special protection, but could be if present circumstances change (Jones, 2015). Twenty three *Conostylis pauciflora* subsp. *pauciflora* (P4) individuals were identified over five locations within the southern portion of the property (Ecoscape, 2011). One individual was recorded within the application area (Easting 383216, Northing 6407191) and a further 18 individuals were recorded just outside (within 10 metres) of the application area (Easting 383189, Northing 6407091).

There are 17 known locations of *Conostylis pauciflora* subsp. *pauciflora* spread over a range of 170 kilometres within the Shire of Gingin, Harvey, Murray and Waroona and City of Rockingham, Mandurah, and Wanneroo. The proposed clearing, which will directly impact on one individual, and may indirectly impact on a further 18 individuals. Noting the number of known locations and the moderate distribution of this species, the proposed clearing is not likely to impact on the conservation status of this species. Weed mitigation measures will assist in minimising this risk. It is also recommended that the applicant clearly demarcates the locality comprising the 18 individuals of *Conostylis pauciflora* subsp. *pauciflora* prior to clearing to minimise indirect impacts, such as inadvertent trampling.

A level 1 fauna survey did not identify any conservation significant fauna within the application area (Ecoscape, 2011). A site inspection of the application area did not identify any large trees with hollows (DER, 2016), and given the degraded to completely degraded (Keighery, 1994) condition (DER, 2016), the application area is not likely to contain significant habitat for fauna indigenous to Western Australia.

The National Objectives and Targets for Biodiversity Conservation includes a target that prevents the clearance 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 Swan Coastal Plain Interim Biogeographic Regionalisation of Australia (IBRA) bioregion and City of Mandurah which retain approximately 38.5 and 47 per cent of their pre-European vegetation extents respectively (Government of Western Australia 2015). Aerial imagery indicates that the local area (five kilometre radius) surrounding the application retains approximately 35 per cent native vegetation cover. Given these vegetation extents and the degraded to completely degraded (Keighery 1994) condition (DER, 2016), the application area is not considered to be a significant remnant in an extensively cleared landscape.

There are no wetlands or watercourses mapped within the application area and no riparian vegetation was identified in a level 1 flora survey of the application area (Ecoscape, 2011; DER, 2016). Given this, the proposed clearing is not likely to impact on vegetation growing in association with a wetland, contribute to or cause land degradation, deteriorate the quality of groundwater or surface water and is not likely to cause or exacerbate flooding.

The closest conservation area is an unnamed nature reserve located approximately 3.3 kilometres south east of the application area. Noting the distance to this conservation area, and degraded to completely degraded (Keighery, 1994) condition of the application area (DER, 2016), the proposed clearing is not likely to impact on this reserve.

Given the above, the proposed clearing is not likely to be at variance to any of the clearing Principles.

Methodology

References:
Commonwealth of Australia (2001)
DER (2016)
Ecoscape (2011)
Government of Western Australia (2015)
Jones (2015)
Keighery (1994)

GIS Databases:
SAC Bio Datasets (Accessed July 2016)
Hydrography, linear
Hydrography, hierarchy

Planning instruments and other relevant matters.

Comments A Local Structure Plan which includes the application area has been approved by the Western Australian Planning Commission, to guide future development (residential) of the property. A subdivision application has not yet been lodged by the applicant, as it has not been determined when the property will be developed for housing. Prior to the subdivision application, the applicant wishes to store fill within the application area which will be removed from an adjacent housing development.

The City of Mandurah has issued the applicant with Planning Approval for earthworks, subject to conditions (City of Mandurah, 2016).

The application area was formerly zoned 'rural' under the Perth Regional Scheme and an application to have the property rezoned to Urban for future development was submitted to Department of Planning. During the consultation process the Department of Planning referred the proposed amendment to the Environmental Protection Authority (EPA). The EPA considered the proposed scheme amendment should not be assessed under Part IV Division 3 of the EP Act (EPA, 2012). Nevertheless the EPA provided advice that an east west vegetation linkage should be considered during future planning stages to provide an ecological corridor between developments. The EPA advised that it supports the retention of the highest dune at the northern end of the property and remaining good quality vegetation (EPA, 2012).

There are no Aboriginal Sites of Significance mapped within the application area.

The application was advertised on 10 June 2016 for a 21 day public submission period. No public submissions have been received.

The development of the property was referred to the former Department of Sustainability, Environment, Water, Population and Communities (now the Department of the Environment) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). It was determined that the proposed development is not a controlled action and does not require further assessment and approval under the EPBC Act before it can proceed (DSEWPaC, 2012).

Methodology References:
City of Mandurah (2016)
DSEWPaC (2012)
EPA (2012)

GIS Databases:
Aboriginal Sites of Significance

4. References

- City of Mandurah (2016). Direct Interest Submission including Development Approval for Clearing Permit Application CPS 7086/1. (DER Ref A1114772).
- Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.
- DER (2016) Site Inspection Report for Clearing Permit Application CPS 7086/1. Site inspection undertaken 29 June 2016. Department of Environment Regulation, Western Australia (DER Ref A1125093).
- DSEWPaC (2012) Decision on Variation to Proposal and Referral Decision. Lot 100 Mandurah Road, Madora Bay, Western Australia.
- Ecoscope (2011). Lot 100 Mandurah Road - Flora and Fauna Assessments. Report prepared for Madora Bay Partnership, November 2013. Ecoscope Australia Pty Ltd.
- EPA (2012) Decision Under Section 48A(1)(a) of the Environmental Protection Act 1986. Lot 100 Mandurah Road, Madora Bay, Western Australia. Environmental Protection Authority, Western Australia (DER Ref A1101540)
- Government of Western Australia (2015) 2015 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of June 2015. 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.
- Jones, A. (2015) Threatened and Priority Flora List, 11 November 2015. Department of Parks and Wildlife: Kensington, WA.
- 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.