GOVERNMENT OF
WESTERN AUSTRALIA

CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS
Area Permit Number: CPS 7822/1
File Number: DER2017/001804
Duration of Permit: From 22 November 2018 to 22 November 2020

PERMIT HOLDER
Wakefield Farms Pty Ltd

LAND ON WHICH CLEARING IS TO BE DONE
Lot 20 on Deposited Plan 408158, Capel

AUTHORISED ACTIVITY
The Permit Holder shall not clear more than 64 native trees within the area hatched yellow on attached Plan 7822/1a.

ADVICE NOTE
The area referred to in condition 5 of this Permit totals 11.72 hectares, of which 4.52 hectares is required under this Permit. The remaining 7.2 hectares is a banked offset.

CONDITIONS

1. Avoid, minimise and reduce the impacts and extent of clearing
In determining the amount of native vegetation to be cleared authorised under this Permit, the Permit Holder must have regard to the following principles, set out in order of preference:
(a) avoid the clearing of native vegetation;
(b) minimise the amount of native vegetation to be cleared; and
(c) reduce the impact of clearing on any environmental value.

2. Dieback and weed control
When undertaking clearing 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 known *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.

3. Fauna management
(a) Prior to undertaking clearing authorised under this Permit, the area shall be inspected by a *fauna specialist* who shall identify *black cockatoo nesting tree(s)* suitable to be utilised by the forest red-tailed black cockatoo (*Calyptorhynchus banksii* subsp. *naso*), Carnaby's cockatoo (*Calyptorhynchus latirostris*) and Baudin's cockatoo (*Calyptorhynchus baudinii*).
(b) Prior to clearing, any *black cockatoo nesting tree(s)* identified by condition 3(a) shall be inspected by a *fauna specialist* for the presence of fauna listed in condition 3(a).
(c) Where a *black cockatoo nesting tree(s)* being utilised by Carnaby's cockatoo, Baudin's cockatoo or forest red-tailed black cockatoo is identified, the Permit Holder shall monitor the *black cockatoo nesting tree(s)* to determine when the chick(s) has fledged, as determined by the *fauna specialist*; and

(d) The Permit Holder shall not clear a *black cockatoo nesting tree* identified as being utilised by Carnaby's cockatoo, Baudin's cockatoo or forest red-tailed black cockatoo until the chick(s) has fledged, as determined by the *fauna specialist*.

4. Offsets – conservation covenant

Prior to undertaking any clearing authorised under this Permit, and no later than 22 November 2019 the Permit Holder shall:

(a) give a conservation covenant under section 30B of the *Soil and Land Conservation Act 1945* setting aside the area hatched red on attached Plan 7822/1b for the protection and management of vegetation in perpetuity; and

(b) provide to the CEO a copy of the executed conservation covenant.

5. Records must be kept

The Permit Holder must maintain the following records for activities done pursuant to this Permit:

(a) In relation to the clearing of native vegetation authorised under this Permit:

(i) the location where the clearing occurred, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings;

(ii) the date that the area was cleared;

(iii) the size of the area cleared (in hectares);

(iv) actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 1 of this Permit;

(v) actions taken to minimise the risk of the introduction and spread of *dieback* and *weeds* in accordance with condition 2 of this Permit; and

(vi) actions taken to give a conservation covenant in accordance with condition 4 of this Permit

(b) In relation to fauna management pursuant to condition 3 of this Permit:

(i) the location of the *black cockatoo nesting tree(s)* identified as being utilised by Carnaby's cockatoo, Baudin's cockatoo or forest red-tailed black cockatoo 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;

(ii) the evidence by which it was determined the *black cockatoo nesting tree(s)* was being utilised including the date of that determination; and

(iii) the evidence by which it was determined the chick(s) had fledged including the date of that determination.

6. Reporting

The Permit Holder must provide to the *CEO* the records required under condition 5 of this Permit, when requested by the *CEO*.

DEFINITIONS

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

black cockatoo nesting tree/s means trees that have a diameter, measured at 1.5 metres from the base of the tree, of 50 centimetres or greater that contain hollows suitable for nesting by Carnaby's cockatoo, forest red-tailed or Baudin's black cockatoo;

CEO: means the Chief Executive Officer of the Department responsible for the administration of the clearing provisions under the *Environmental Protection Act 1986*.

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

fauna specialist means a person:

(a) Who holds a tertiary qualification specializing in environmental science or equivalent, has a minimum of two years work experience in fauna identification and surveys of fauna native to the region being inspected or surveyed and holds a valid fauna licence issued under the *Wildlife Conservation Act 1950*; or

(b) Who does not have appropriate professional qualifications, but has a minimum of seven years work experience in fauna identification and surveys of fauna native to the region being inspected or surveyed and holds a valid fauna licence issued under the *Wildlife Conservation Act 1950.*

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 a Department of Biodiversity, Conservation and Attractions species-led ecological impact and invasiveness ranking summary, regardless of ranking; or

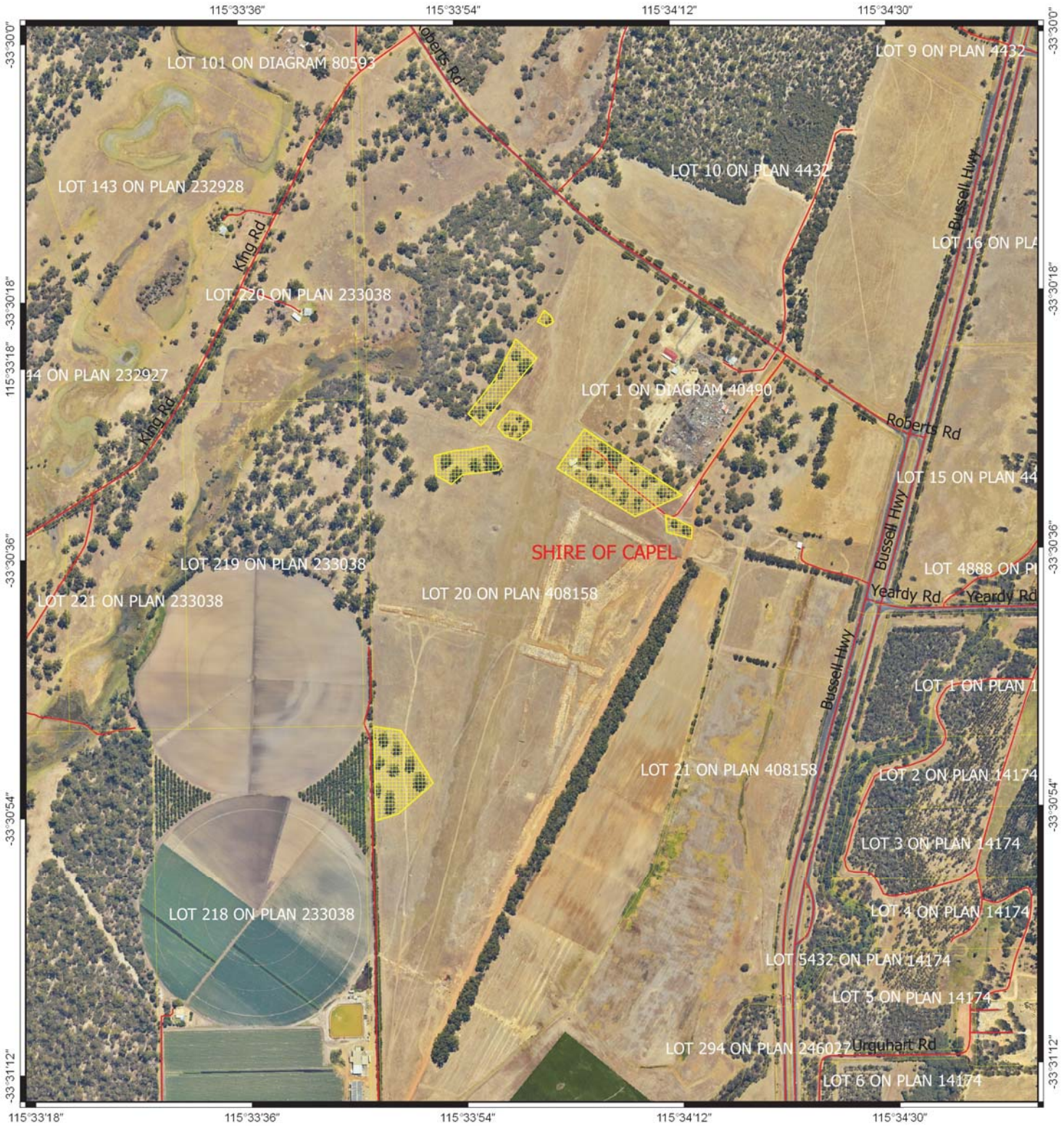
(c) not indigenous to the area concerned.

Samara Rogers
MANAGER
NATIVE VEGETATION REGULATION

Officer delegated under Section 20 of the Environmental Protection Act 1986

25 October 2018

Plan 7822/1a



Legend

- Areas approved to clear
- Cadastre
- Local Government Authorities
- Road Centrelines

Image

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MGA 94
Geocentric Datum of Australia 1994

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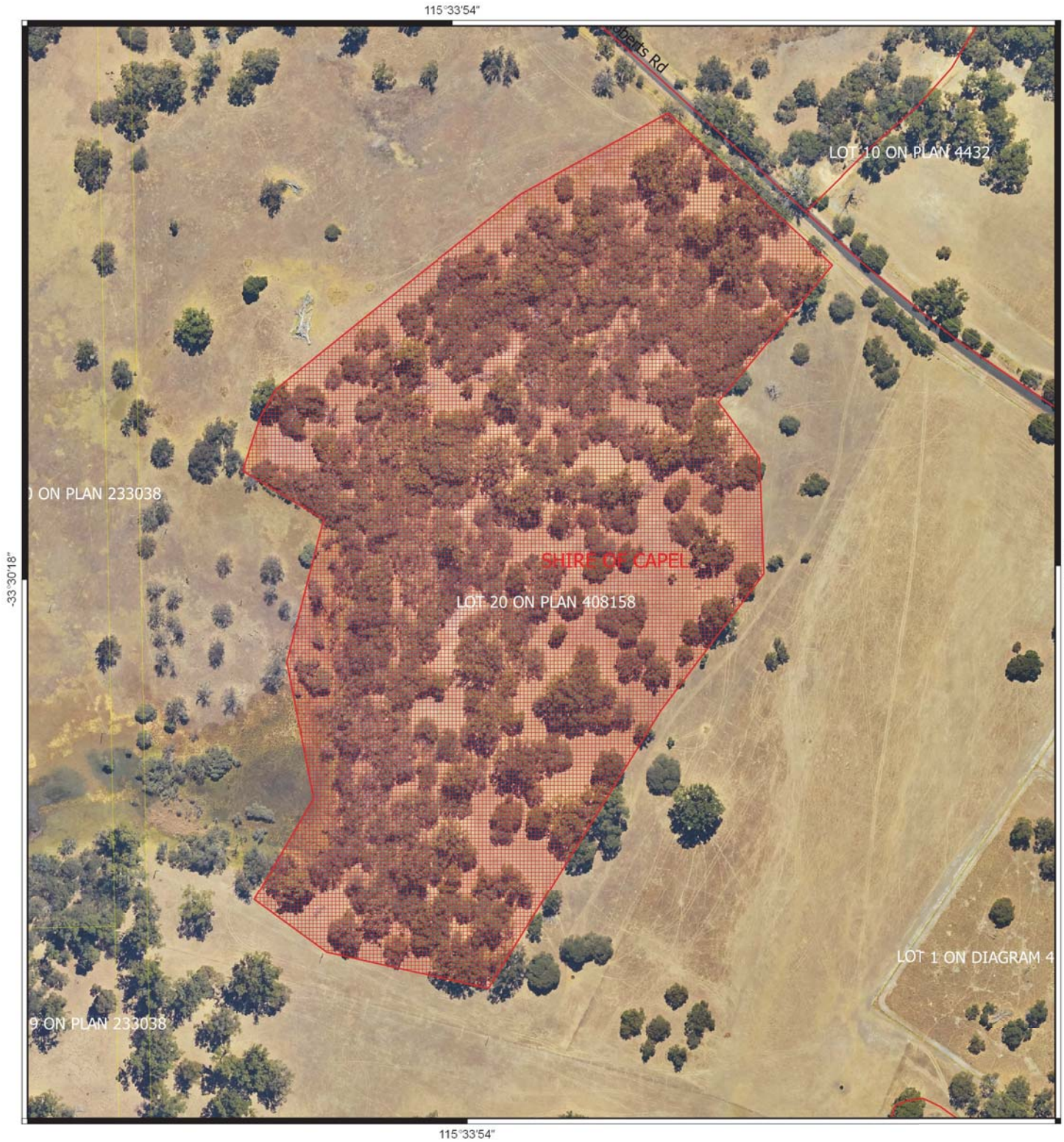
Officer with delegated authority under Section 20
of the Environmental Protection Act 1986

GOVERNMENT OF
WESTERN AUSTRALIA

Plan 7822/1b



Legend

- Clearing Instruments Offets
- Cadastre
- Local Government Authorities
- Road Centrelines

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

GOVERNMENT OF
WESTERN AUSTRALIA

Government of Western Australia
Department of Water and Environmental Regulation

Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 7822/1
Permit type: Area Permit

1.2. Applicant details

Applicant's name: Wakefield Farms Pty Ltd
Application received date: 24 October 2017

1.3. Property details

Property: Lot 20 on Deposited Plan 408158, Capel
Local Government Authority: Capel, Shire of
Localities: Capel

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
	64	Mechanical Removal	Horticulture

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 26 October 2018

Reasons for Decision:

The clearing permit application has been assessed against the clearing principles, planning instruments and other matters in accordance with section 51O of the *Environmental Protection Act 1986* (EP Act). It has been concluded that the proposed clearing is at variance to principle (b) and (e) and is not likely to be at variance to any of the remaining clearing principles.

It has been determined that the proposed clearing will result in the following significant residual impacts:

- loss of 64 native trees that comprise of foraging habitat and potential nesting habitat for Carnaby's cockatoo (*Calyptorhynchus latirostris*), Baudin's cockatoo (*Calyptorhynchus baudinii*) and forest red-tailed black cockatoo (*Calyptorhynchus banksii* subsp. *naso*) (collectively referred to as black cockatoos); and
- impacts on the values of a regionally significant ecological linkage and a significant remnant of native vegetation in an area that has been extensively cleared.

The applicant has avoided and minimised impacts through reducing the proposed clearing from 102 native trees to 64 native trees, excluding 36 native trees of suitable foraging habitat and two suitable breeding trees for black cockatoos.

After consideration of the above, the Delegated Officer determined that the requirement to place a conservation covenant over 4.72 hectares of remnant native vegetation (the offset area), that contains suitable foraging and breeding habitat for black cockatoos, and contributes towards ecological linkage values, will counterbalance the significant residual impacts.

It is considered that inspecting potential habitat trees, delaying clearing until no longer in use (where identified as being occupied) will adequately mitigate any impacts to black cockatoos. It is considered that implementing appropriate hygiene management actions will adequately mitigate the potential impacts to nearby native vegetation.

Given the above, the Delegated Officer decided to grant a clearing permit subject to avoid/minimise, offset, fauna management and dieback and weed management conditions.

In determining to grant a clearing permit subject to conditions, the Delegated Officer found that the proposed clearing is unlikely to lead to an unacceptable risk to the environment.

2. Site Information

Clearing Description

The amended application is to clear 64 native trees (within a six hectare footprint) within Lot 20 on Deposited Plan 408158, Capel, for the purpose of horticulture.

Vegetation Description

The application area is mapped as the following Swan Coastal Plain Vegetation complex's:

- Karrakatta Complex-Central and South which is described as predominantly open forest of *Eucalyptus gomphocephala* (Tuart) - *Eucalyptus marginata* (Jarrah) - *Corymbia calophylla* (Marri) and woodland of *Eucalyptus marginata* (Jarrah) -

Banksia species. *Agonis flexuosa* (Peppermint) is co-dominant south of the Capel River;
- Guildford complex which is described as A mixture of open forest to tall open forest of *Corymbia calophylla* (Marri) - *Eucalyptus wandoo* (Wandoo) - *Eucalyptus marginata* (Jarrah) and woodland of Eucalyptus wandoo (Wandoo) (with rare occurrences of Eucalyptus lane-poolei (Salmon White Gum)). Minor components include *Eucalyptus rudis* (Flooded Gum) - *Melaleuca rhaphiophylla* (Swamp Paperbark); and
- Yoongarillup Complex which is described as Woodland to tall woodland of *Eucalyptus gomphocephala* (Tuart) with *Agonis flexuosa* in the second storey. Less consistently an open forest of *Eucalyptus gomphocephala* (Tuart) - *Eucalyptus marginata* (Jarrah) - *Corymbia calophylla* (Marri). South of Bunbury is characterized by *Eucalyptus rudis* (Flooded Gum)-Melaleuca species open forests (Government of Western Australia, 2018).

Vegetation Condition

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

Comment

The vegetation within the application area consists predominantly of scatted mature tuart trees, with some jarrah, over pasture grass and is in completely degraded (Keighery, 1994) condition.

The condition of the vegetation was determined through a site inspection undertaken by Department of Water and Environmental Regulation (DWER) officers (DWER, 2018).

3. Minimisation and mitigation measures

On 24 July 2018 the applicant agreed to reduce the application area from 102 native trees to 64 native trees, to minimise the extent of environmental impacts as a result of the proposed clearing. The amendment has resulted in the exclusion of two potential black cockatoo nesting trees, 36 native trees that provide foraging habitat for black cockatoos and minimised the impacts to an important ecological linkage. The applicant has also agreed to place 11.72 hectares of native vegetation in an adjacent area of remnant vegetation under a conservation covenant, with 7.2 hectares to be banked for any future proposed clearing that requires an offset (see section 6).

4. Assessment of application against clearing principles

The amended application is to clear 64 native trees (within a six hectare footprint) within the above mentioned Lot for the purpose of horticulture.

According to available databases, ten threatened fauna species, eight priority fauna species, two other specially protected fauna species and seven fauna species protected under international agreement have been recorded within the local area (DBCA, 2007-). Noting the type and condition of the vegetation within the application area, and the habitat requirements and current known range extents of these species, the application area may comprise suitable habitat for threatened fauna species Carnaby's Cockatoo (*Calyptorhynchus latirostris*), Baudin's Cockatoo (*Calyptorhynchus baudinii*) and Forest Red-tailed Black Cockatoo (*Calyptorhynchus banksii* subsp. *naso)* and western ringtail possum (*Pseudocheirus occidentalis*).

Carnaby's cockatoo and Baudin's cockatoo are listed as endangered and forest red-tailed black cockatoo listed as vulnerable under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) (herein referred to collectively as black cockatoos) are known to occur within the local area. Black cockatoos breed in large hollow-bearing trees, generally within woodlands or forests or in isolated trees (Commonwealth of Australia, 2012). These species nest in hollows in live or dead trees of karri, marri, wandoo, tuart, salmon gum, jarrah, flooded gum, York gum, powder bark, bullich and blackbutt (Commonwealth of Australia, 2012). A site inspection (DWER, 2018) identified a number of trees within the revised application area that fit the criteria for black cockatoo potential breeding habitat, having a (diameter at breast height) of more than 50 centimetres. One of these trees contained hollows which may provide suitable nesting habitat for black cockatoos (DWER, 2018).

Black cockatoos have a preference for foraging habitat that includes jarrah and marri woodlands and forest heathland and woodland dominated by proteaceous plant species such as *Banksia* sp., *Hakea* sp. and *Grevillea* sp. (Commonwealth of Australia, 2012). The application area predominantly consists of scatted tuart, with some jarrah and provides suitable foraging habitat for black cockatoos (DWER, 2018).

Western ringtail possum is listed as critically endangered under the EPBC Act. Parts of the application area is mapped as suitable habitat for western ringtail possum and contains eight peppermint (*Agonis flexuosa*) trees (Wakefield Farms Pty Ltd, 2018a). The Department of Biodiversity, Conservation and Attractions (DBCA) notes where the proposed clearing is over more continuous vegetation connected to the nearby wetland, there is a higher chance of western ringtail possum (DBCA, 2018). However, noting the condition of the application area and that the applicant has amended the application area to reduce the connectivity with the nearby wetland, the application area is unlikely to contain significant habitat for the western ringtail possum.

The application area is located in close proximity to an ecological linkage as defined by the South West Regional Ecological Linkage Report (Molloy et al., 2009). The DBCA notes that the western portion of the application area that is adjacent to a wetland is important in maintaining the ecological link between north and south remnants, and recommends that this area be retained (DBCA, 2018).

There are nine records of rare flora within the local area (10 kilometre radius), all being understorey species. Considering that the application area consists of scattered paddock trees occurring over pasture grass, with no native understorey, the application area is unlikely to contain any rare or priority flora.

The closest threatened ecological community (TEC) to the application area is located 3.4 kilometres east and is known as 'Shrublands on dry clay flats'. The vegetation within the application area is not representative of this TEC.

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 Swan Coastal Plain Biogeographic Regionalisation of Australia (IBRA) bioregion and the Shire of Capel, which retain approximately 38 and 33 per cent of their pre-European vegetation extents respectively (Government of Western Australia 2016). The application area also falls within the mapped Guildford complex, Karrakatta complex – Central and South and the Yoongarillup Complex which retain 5 per cent, 23 per cent and 36 per cent of its pre-European extent, respectively. Considering that the application area consists of scattered paddock trees occurring over pasture grass the vegetation is not representative of these vegetation complexes. Noting that aerial imagery indicates that the local area retains approximately 20 per cent native vegetation and the trees in the application area contain suitable habitat for black cockatoos, the application area is considered significant as a remnant in a highly cleared area.

The revised application area is approximately 200 metres from a mapped multiple use wetland, and it appears that this wetland extends approximately 100 metres further southeast and may be commensurate with a resource enhanced wetland (DWER, 2017). The application area does not contain any riparian vegetation (DWER, 2018). Noting that the applicant will be retaining an area between the wetland and the application area as a conservation covenant, the proposed clearing is unlikely to cause deterioration in the quality of surface or underground water and the impacts to the mapped wetland will be minimal.

The applied area is low in the landscape and has deep moderately well drained soils associated with major river systems and larger streams (Commissioner of Soil and Land Conservation, 2018). The risk of land degradation occurring as a result of the proposed clearing is low (Commissioner of Soil and Land Conservation, 2018).

Given that the application area consists of isolated trees the proposed clearing is not is not likely to cause or exacerbate flooding and is not likely to impact on nearby conservation areas.

The assessment of the application identified that the proposed clearing is at variance to principle (b) and (e), and is not likely to be at variance to any of the remaining clearing principles.

Planning instruments and other relevant matters.

The application area occurs within the Busselton-Capel Ground Water Area and the Capel River System Surface Water Area, as proclaimed under the *Rights in Water and Irrigation Act 1914*. DWER (Regulatory Services – Water) advice that the applicant holds an existing groundwater licence (DWER, 2017). DWER (Regulatory Services – Water) note in relation to the original application area, that the application area is adjacent a resource enhanced category wetland, and recommends that Wakefield Farms Pty Ltd adopt best agricultural management practices consistent with the (former) Department of Water's Water Quality Improvement Plans, to reduce the impact of nutrients and agricultural chemicals on the water resource (DWER, 2017). It is recommended that clearing and horticulture activity be avoided in the vicinity of wetland.

Capel's Land Conservation District Committee (LCDC) advises that the area under application consists of mature trees, and that the Capel area has already been significantly cleared (LCDC, 2017). The LCDC (2017) recommended that the clearing not be undertaken. Concerns regarding mature trees and vegetation within an extensively cleared area have been addressed under Principles (b) and (e).

The application area is zoned 'rural' under the Town Planning Scheme Zones. Development approval (file reference PA49/2018) has been granted (subject to conditions) by the Shire of Capel to undertake intensive agriculture on the above Lot (Wakefield Farms Pty Ltd, 2018).

No Aboriginal sites of significance have been mapped within the application area.

The clearing permit application was advertised on the DWER website on 08 November 2017 with a 21 day submission period. No public submissions have been received in relation to this application.

5. Applicant's Submissions

DWER wrote to the applicant on 20 March 2018 advising that the proposed clearing would impact on significant habitat for black cockatoos, impact a regional ecological linkage and that planning approval is required from the Shire of Capel for the proposed clearing. In response to DWER's letter the applicant wrote to DWER on 1 May 2018 providing a copy of their Development Approval, requesting to include two additional trees into the application area and reduce the total proposed clearing from 102 to 66 native trees, and provided a revegetation plan to address the significant residual impacts.

Upon reviewing the applicants offset proposal, DWER wrote to the applicant on 4 July 2018 to advise that the two native trees proposed for inclusion contain hollows suitable for nesting black cockatoos and therefore significant impacts to black cockatoos still remain. DWER requested that these trees are retained and excluded from the application area and provided information relating to an alternative offset to effectively counterbalance the residual impacts. On 24 July 2018, the applicant provided a commitment to the conservation of 11.72 hectares of remnant vegetation (see Section 6 below) as an offset and agreed to exclude the two suitable nesting trees from the application area.

It is considered that the information provided by the applicant was sufficient for DWER to make a determination on the clearing permit application.

6. Suitability of Proposed Offset

Principle 1 of the *WA Environmental Offsets Policy September 2011* outlines that environmental offsets will only be considered after avoidance and mitigation options have been pursued. The WA Environmental Offsets Guidelines August 2014 outlines a four step mitigation hierarchy; avoid, minimise, rehabilitate and offset. The avoidance and mitigation measures assessed within section 3 are deemed to be adequate in addressing this requirement.

The Delegated Officer determined that the proposed clearing will impact on the values of an ecological linkage and 64 native trees of significant habitat for black cockatoos.

To offset the abovementioned significant residual impacts, the applicant proposed to conserve a nearby remnant of native vegetation (offset area) that comprises 11.72 hectares of foraging habitat and potential breeding habitat for black cockatoos.

In assessing whether the proposed offset is adequately proportionate to the significance of the habitat values being impacted, DWER undertook a calculation using the Commonwealth Offsets Assessment Guide. The calculation indicated that the conservation of 4.52 hectares of native vegetation is required. The applicant has agreed to relinquish 11.72 hectares of native vegetation within the same property (Lot 20 on Deposited Plan 408158) that provides connectivity with the south west regional ecological linkage, and to bank the remaining 7.2 hectares for any future proposed clearing that requires an offset.

Given the above, the conservation of 4.52 hectares of native vegetation is considered adequate to counterbalance the significant residual impacts of the proposed clearing, consistent with the *WA Environmental Offsets Policy September 2011*.

7. References

Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.

Commonwealth of Australia (2012) EPBC Act referral guidelines for three threatened black cockatoo species. Department of Sustainability, Environment, Water, Populations and Communities, Canberra.

Department of Biodiversity, Conservation and Attractions (BDCA) (2007-) NatureMap: Mapping Western Australia's Biodiversity. Department of Parks and Wildlife. URL: http://naturemap.dpaw.wa.gov.au/. Accessed September 2018

Department of Biodiversity, Conservation and Attractions (DBCA) (2017) Advice regarding Clearing Permit Application CPS 7822/1, provided on 22 December 2017 (DWER Ref: A1592106).

Department of Water and Environmental Regulation (DWER) (2018) Site Inspection Report for Clearing Permit Application CPS 7822/1, Department of Environment Regulation, 18 January 2018 (DWER Ref: A1609093).

7822/1, provided on 22 December 2017 (DWER Ref: A1592106).

Department of Water and Environmental Regulation (DWER) (Regulatory Services – Water) (2017) *Rights in Water and Irrigation Act 1914* advice (DWER Ref: A1567648).

Government of Western Australia. (2018) South West Vegetation Complex Statistics. Current as of December 2017. 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.

Molloy, S., Wood, J., Hall, S., Wallrodt, S. and Whisson, G. (2009) South West Regional Ecological Linkages Technical Report, Western Australian Local Government Association and Department of Environment and Conservation, Perth.

Office of the Commissioner of Soil and Land Conservation (2017), Land degradation assessment report. Department of Primary Industries and Regional Development (DWER Ref: A1571450).

Wakefield Farms Pty Ltd (2018) Information in support of application CPS 7822/1 – E-mail correspondence received on 6 May 2018 from applicant providing further information as requested by DWER on 20 March 2018 (DWER Ref: A1668758).