GOVERNMENT OF
WESTERN AUSTRALIA

CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS
Area Permit Number: CPS 7893/1
Duration of Permit: From 19 May 2018 to 19 May 2020

PERMIT HOLDER
Stuart Allen Smith

LAND ON WHICH CLEARING IS TO BE DONE
Lot 60 on Deposited Plan 44298

AUTHORISED ACTIVITY
The Permit Holder shall not clear more than 0.3 hectares of native vegetation within the area cross-hatched yellow on attached Plan 7893/1.

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.

RECORD KEEPING AND REPORTING

2. **Records must be kept**
   The Permit Holder must maintain the following records for activities done pursuant to this Permit, in relation to the clearing of native vegetation authorised under this Permit:
   (a) 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 or decimal degrees;
   (b) the date that the area was cleared;
   (c) the size of the area cleared (in hectares).; and
   (d) actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 1 of this Permit.

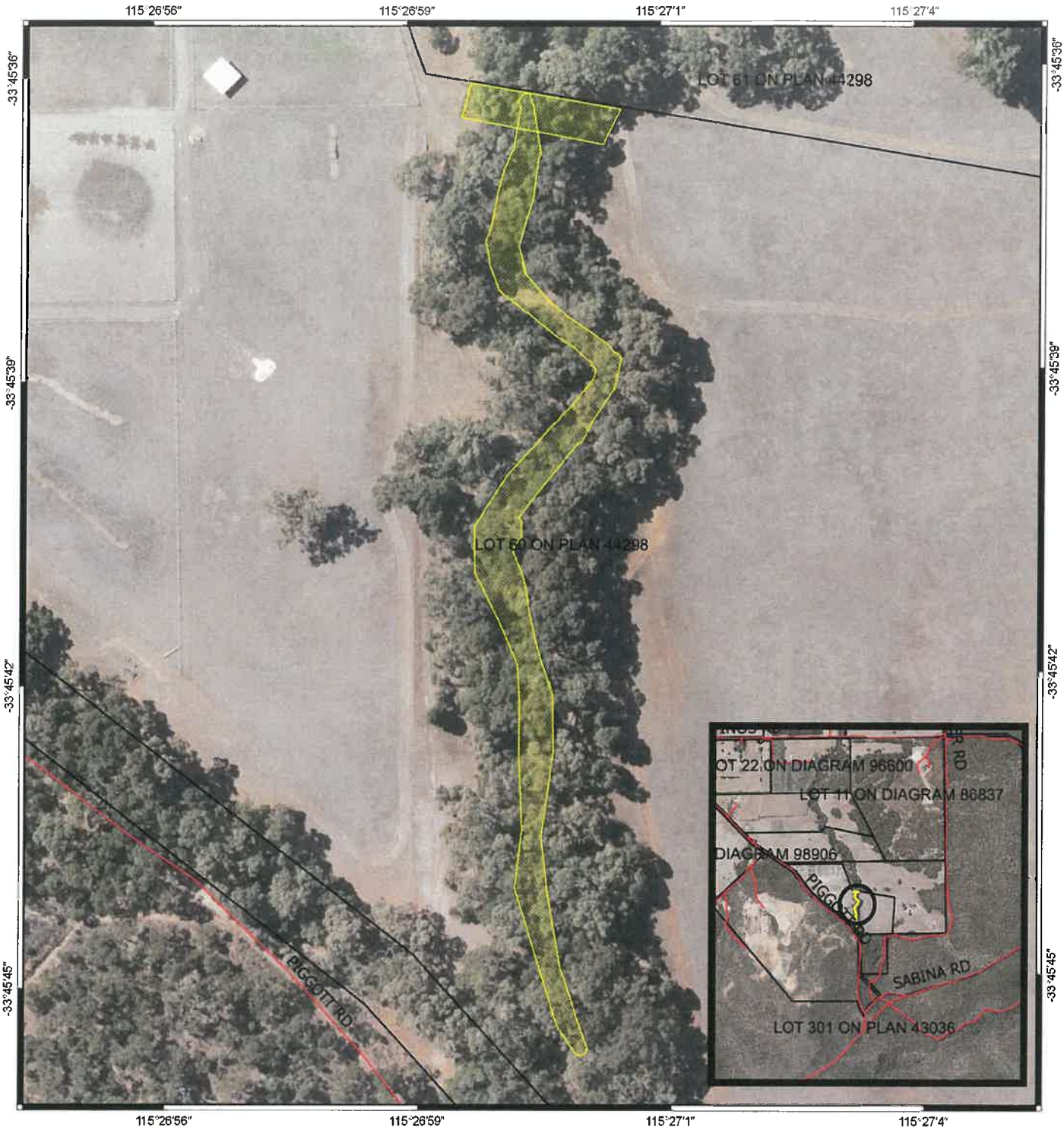
3. **Reporting**
   The Permit Holder must provide to the CEO the records required under condition 2 of this Permit, when requested by the CEO.

Emma Bramwell
A/MANAGER
CLEARING REGULATION

Officer delegated under Section 20 of the Environmental Protection Act 1986

19 April 2018

Plan 7893/1



Legend

- Areas approved to clear
- Roads
- Imagery

N

60 0 60 m

MGA 94
Geocentric Datum of Australia 1994

E BRAMWELL ..... Date 19/04/18

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.: CPS 7893/1
Permit type: Area Permit

1.2. Proponent details

Applicant's name: Mr Stuart Allen Smith

1.3. Property details

Property: Lot 60 on Deposited Plan 44298
Local Government Authority: City of Busselton
Localities: Sabina River

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
0.3	-	Mechanical removal	Bridge and weir construction

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 19 April 2018
Reasons for Decision: The clearing permit application was received on 6 January 2018, and has been assessed against the clearing principles, planning instruments and other matters in accordance with section 51O of the *Environmental Protection Act 1986*. The assessment has been concluded that the proposed clearing is at variance to principles (f) and (j), may be at variace to principle (i), and is not likely to be at variance to the remaining principles.

The Delegated Officer has had regard for photographs of the application area provided by the applicant, licensing requirements unde the *Rights in Water and Irrigation Act 1914*, and advice received from the City of Busselton.

The Delegated Officer noted that the application area is located within the Sabina River, and determined that the proposed clearing will impact on native vegetation growing in association with this watercourse, will cause flooding (inundation) within the immediate upstream vicinity, and may cause short-term deterioration in the quality of surface water as a result of sedimentation. The Delegated Officer otherwise determined that the proposed clearing is not likely to have any unacceptable environmental impacts.

2. Background

Clearing Description: The application is for the proposed clearing of up to 0.3 hectares of native vegetation within Lot 60 on Deposited Plan 44298, Sabina River, for the purpose of constructing a bridge incorporating a 1.5 metre weir.

As indicated in Figure 1, the proposed clearing footprint is approximately 320 metres long within the watercourse, and approximately 50 metres wide at the northern end for the proposed bridge. The proposed clearing relates to the inundation of native vegetation upstream as a result of the proposed weir.

Vegetation Description: The vegetation within the application area is mapped as the following South West vegetation complexes:

- Yelverton (Y7): Woodland of *Corymbia calophylla* (marri)-*Eucalyptus patens* (blackbutt)-*Agonis flexuosa* (peppermint) on less undulating lower slopes in the humid zone.
- Rosa (RO): Woodland to open forest of marri-*Eucalyptus marginata* subsp. *marginata* (jarrah)-*Xylomelum occidentale* (woody pear) on slopes and tall shrubland of *Taxandria linearifolia* in valley floors in the humid zone.
- Treeton (T): Woodland *of* jarrah-marri with some *Allocasuarina fraseriana* (sheoak) on mild slopes in the perhumid zone (Government of Western Australia, 2017).

Vegetation Condition: Good: Vegetation structure significantly altered by very obvious signs of multiple disturbances. Retains basic vegetation structure or ability to regenerate it (Figure 5)
To
Completely Degraded: The structure of the vegetation is no longer intact and the area is completely or almost completely without native species (Figure 2).

Soil/Landform Type: The soils within the application area are mapped as:

- Yelverton fertile flats (214WsYlf) Occurs on floors of major valleys cutting through the shelf. Soils are brown deep sands and brown loamy earths (Schocknecht, 2004).
- Preston Subsystem (214GvPR) River channels, narrow flood plains and well drained alluvial terraces. Soils are brown loamy earths and some brown deep sands (Schocknecht, 2004).

Comment: The local area considered in the assessment of this application is a ten kilometre radius measured from the perimeter of the application area. The local area retains approximately 30 per cent native vegetation cover.

The condition and description of the vegetation was determined from photographs provided by the applicant and available aerial imagery.

Map and photographs

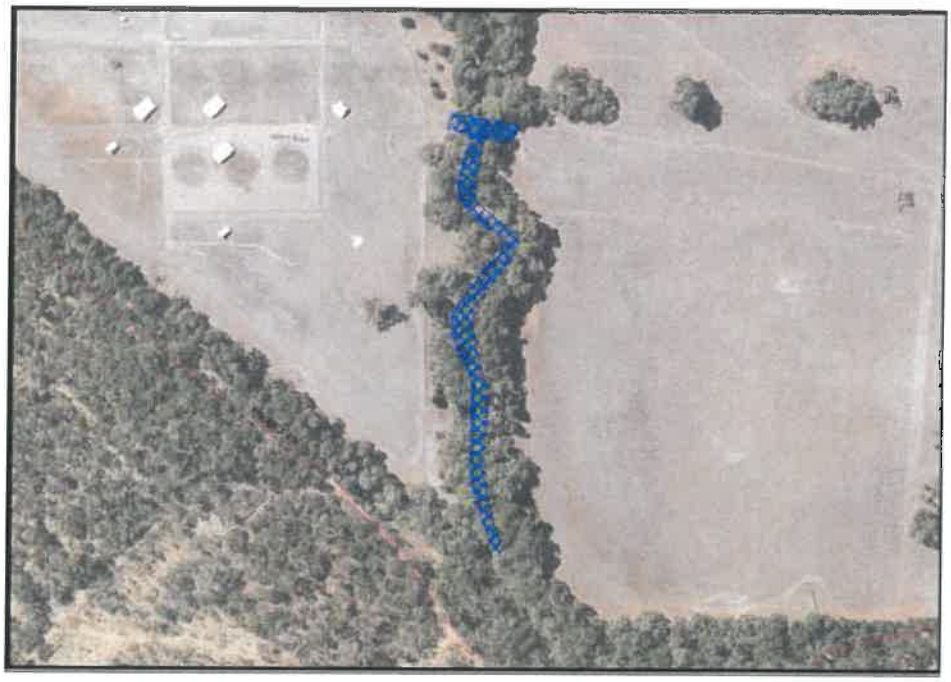


Figure 1: CPS 7893/1 Map of Application Area

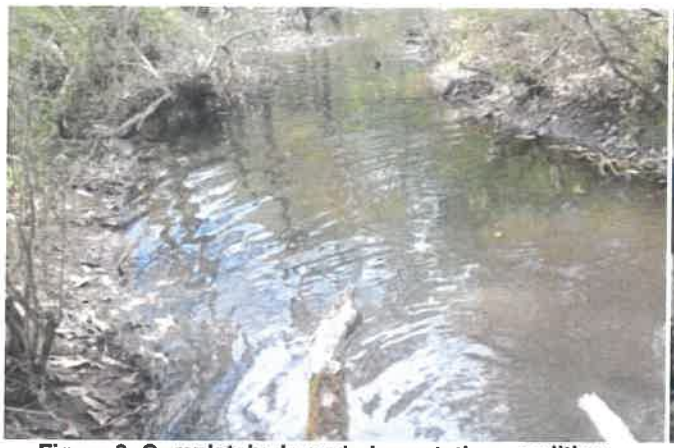


Figure 2: Completely degraded vegetation condition

Figure 3: the two trees within the application area

Figure 4: Myrtaceous species in the application area

Figure 5: Good vegetation condition within the application area

3. Assessment of application against clearing principles

As discussed in Section 2, the application is for the proposed clearing of 0.3 hectares of native vegetation within a watercourse for the purpose of constructing a bridge incorporating a 1.5 metre weir (refer Figure 1).

As indicated in Figures 2, 3, 4 and 5, the vegetation within the application area is predominantly a Myrtaceous shrubland with sedges within a watercourse, and is considered to be in good (Keighery, 1994) to completely degraded (Keighery, 1994) condition. Figure 3 indicates that the application area includes two marri trees, which do not appear to be of sufficient size to contain habitat hollows suitable for nesting black cockatoos. The application area is not likely to comprise a high level of biological diversity.

According to available datasets, seven threatened fauna species and three priority fauna species have been recorded within the local area (DBCA, 2007-). The Chuditch *(Dasyurus geoffroii)* occupy a wide range of habitats including riparian vegetation in the south west region. Chuditch den in hollow logs and burrows and have also been recorded in tree hollows and cavities. Noting the habitat preferences of these species, and the mapped vegetation types and absence of habitat trees within the application area, these species are not likely to occur within the application area.

Carnaby's cockatoo is listed as endangered and Baudin's cockatoo and forest red-tailed cockatoo are listed as vulnerable under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). These 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 tuart, jarrah, marri, *Eucalyptus diversicolor* (karri), *Eucalyptus wandoo* (wandoo), *Eucalyptus salmonophloia* (salmon gum), *Eucalyptus rudis* (flooded gum), *Eucalyptus loxophleba* (York gum), *Eucalyptus accedens* (powder bark), *Eucalyptus megacarpa* (bullich) and *Eucalyptus patens* (blackbutt) (Commonwealth of Australia, 2012). 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* spp., *Hakea* spp. and *Grevillea* spp. (Commonwealth of Australia, 2012). Based on the size of the two Marri trees in the application area, and the lack of visible hollows based on site photographs, the two trees are unlikely to contain hollows for the above species.

Noting the extent of the proposed clearing, and the proximity of the application area to the Millbrook State Forest, the application area is not likely to comprise the whole or a part of or be necessary for the maintenance of a significant habitat for indigenous fauna.

According to available datasets, 11 rare flora species and 46 priority flora species have been recorded within the local area. The application area intersects three south west vegetation complexes and two soil subsystems as outlined in section 2 of this report. There are no threatened species mapped within the application area. Four of the 11 Threatened species occur within winter-wet areas, these species occur in grey sand or clay, whereas the application area is mapped as brown sand or brown loam. Noting this the four threatened species that occur within winter-wet areas are unlikely to occur in the application area. The below priority species have been found within these complexes and soil subsystems and growing within a watercourse.

Grevillea brownenae (P3) is known from 34 records between Busselton and Nannup and occurs in Grey sand over occurs within the matching soil system and vegetation complex of the application area. The closest occurrence is approximately 1 kilometre south of the application area and within the Whicher National Park. If present within the application area, it would not represent a range extension and considering the degraded to good condition (Keighery, 1994) and the large amounts of vegetation in better condition within the local area, the proposed clearing is not likely to impact the conservation status of this species.

Platytheca sp. *Sabina* (G.J. & B.J. Keighery 295) (P2) is known from 10 records between Busselton and Nannup occurs within the matching soil system and vegetation complex of the application area. The closest occurrence is approximately 150 metres south of the application area within the Millbrook State Forest. If present within the application area, it would not represent a range extension and considering the degraded to good condition (Keighery, 1994) and the large amounts of vegetation in better condition within the local area, the proposed clearing is not likely to impact the conservation status of this species.

Lambertia rariflora subsp. *rariflora* (P4) is known from 11 records from Busselton to August-Margaret River. It is known to occur near intermittent streams. The closest occurrence is approximately 2.4 kilometres south-west of the application area in State Forest. If present within the application area, it would not represent a range extension and considering the degraded to good condition (Keighery, 1994) and the large amounts of vegetation in better condition within the local area, the proposed clearing is not likely to impact the conservation status of this species.

Noting the habitats within which these species have been recorded, and the mapped soil type and vegetation types within the application area, these species are not likely to occur within the application area. The application area is not likely to include or be necessary for the continued existence of rare flora.

A set of restricted and rare wetland communities are found within the local area. Some of these communities occur along the Sabina River. Populations of a number of rare and restricted taxa are associated with these communities including *Grevillea bronwenae* and *Lambertia rariflora* subsp. *rariflora* discussed above. According to available datasets, five threatened ecological communities and four priority ecological communities occur within the local area. The closest is the Priority 1 Ecological Community (PEC) Sabina River Jarrah and Marri woodland (Whicher Scarp community F1) which occurs approximately 150 metres south of the application area within the Millbrook State Forest.

The Sabina River Jarrah and Marri woodland community is in the Sabina River alluvial fan where the Sabina River meets the Swan Coastal Plain. It is characterised by a suite of wetland taxa of restricted occurrence in the *Whicher Scarp: Mirbelia dilatata, Lomandra pauciflora, Tremandra diffusa, Tremandra stelligera, Trymalium floribundum* subsp. *trifidum* and *Clematis aristata* var. *occidentalis*. Other significant taxa in the community are: *Hovea elliptica, Leucopogon verticillatus*, and *Darwinia citriodora* . Noting that the application area is not mapped as this PEC, and that the PEC is within a State Forest, the proposed clearing is unlikely to impact upon this PEC.

The second closest PEC is the Central Whicher Scarp Mountain Marri woodland (Whicher Scarp woodlands of grey/white sands community A1) Located on Whicher Scarp mid slopes. It occurs approximately 1.2 kilometres west of the application area. The taxa that identify the group include: *Ricinocarpus* aff. *cyanescens*, *Hibbertia ferruginea, Platysace filiformis, Conospermum capitatum* subsp. *glabratum, Thysanotus arbuscular, Schoenus brevisetis, Phlebocarya filifolia, Leucopogon glabellus, Pimelea rosea* subsp. *rosea, Adenanthos obovatus, Stylidium carnosum* and *Gompholobium capitatum* .Noting the distance to the PEC, that the application area is not mapped as the PEC, and that it occurs on mid slopes rather than creek lines, the proposed clearing is unlikely to impact on this PEC.

Noting the vegetation condition, the descriptions of these ecological communities, and the mapped soil type and vegetation types within the application area, these ecological communities are not likely to occur within the application area. The application area is not likely to comprise the whole or a part of or be necessary for the maintenance of a threatened ecological community.

The application area is located within portion of the Sabina River (refer Figure 1). This watercourse will be inundated upstream as a result of the proposed weir. The proposed clearing will impact on native vegetation growing in association with this watercourse.

Erosion of the banks in waterways can occur when vegetation is cleared and the banks can become unstable causing erosion along the floodway and a build-up of sediment that is washed downstream (WRC, 2002). Noting the nature of the proposed clearing (being the inundation of native vegetation), there may be a degree of land degradation in the form of water erosion. Noting this, the proposed clearing will cause flooding within the proposed clearing footprint and may cause short-term deterioration in the quality of surface water as a result of sedimentation, however is not likely to cause appreciable land degradation, deterioration in the quality of underground water, or cause or exacerbate the incidence or intensity of flooding more broadly in the local area.

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 Yelverton, Rosa, and Treeton vegetation complexes retain approximately 7.8, 66.4, and 27.8 per cent of their respective pre-European extents (Government of Western Australia, 2018). The vegetation within the application area is not consistent with the mapped vegetation complexes. noting this and the short term inundation of the vegetation that already exists within the watercourse, Noting the extent of the proposed clearing, the extent of native vegetation cover in the local area, and the proximity of the application area to the Millbrook State Forest, the application area is not likely to be considered a significant remnant in an extensively cleared area.

According to available datasets, three State-managed and a number of privately-managed conservation areas occur within the local area. The nearest of these are the Millbrook State Forest and the Whicher National Park, located approximately 55 metres and 475 metres south of the application area respectively, and a privately-managed conservation area located approximately 1.4 kilometres from the application area. Noting that the direction of water flow is to the north, the proposed clearing is not likely to impact on the environmental values of the Millbrook State Forest. Noting the distance between the application area and the Whicher National Park and privately-managed conservation areas, the proposed clearing is not likely to impact on the environmental values of other nearby conservation areas.

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

Planning instruments and other relevant matters

The clearing permit application was advertised on the Department of Water and Environmental Regulation (DWER) website on 24 January 2018 with a 21 day submission period. No public submissions have been received in relation to this application.

The City of Busselton advised that it supports the proposed clearing, taking into consideration that the affected section of the Sabina River will not be permanently inundated (City of Busselton, 2018). The City of Busselton advised that as the application area is zoned as 'Agriculture' under the town planning scheme and the water is for agricultural use, the proposed clearing is consistent with its town planning scheme (City of Busselton, 2018).

The applicant has applied for a permit to interfere with the bed and banks of a watercourse under section 11/17/21a of the *Rights in Water and Irrigation Act 1914* (RiWI Act) and a licence to take water under section 5C of the RiWI Act. DWER has completed an initial assessment of the application and has determined that a native vegetation clearing permit is required prior to granting the licence and permit.

One Aboriginal site of significance has been mapped within the application area. It is the applicant's responsibility to ensure that no Aboriginal sites of significance are damaged as a result of the proposed clearing. The applicant is encouraged to liaise with the Department of Planning, Lands and Heritage regarding obligations under the *Aboriginal Heritage Act 1972*.

4. References

City of Busselton (2018) Advice received in relation to clearing permit application CPS 7893/1 (DWER Ref. A1646218)

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

Department of Biodiversity Conservation and Attractions (DBCA) (2007-) NatureMap: Mapping Western Australia's Biodiversity. Department of Parks and Wildlife. URL: http://naturemap.dpaw.wa.gov.au/. Accessed November 2017

Department of Water and Environmental Regulation (DWER, 2018) Licencing advice (DWER Ref A1646223)

Department of Water and Environmental Regulation (DWER, 2018) Regional advice (DWER Ref A1604845)

Government of Western Australia (2018). 2018 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of October 2016. 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.

Smith, S. (2017) supporting information and photos (DWER Ref A1593625)

Water and Rivers Commission (WRC) (2002) River Action Plan for the Sabina, Abba, and Ludlow Rivers.

GIS Databases:

- Aboriginal sites of significance
- Aboriginal sites register system
- Hydrography Linear
- SAC Bio datasets (accessed March 2018)
- Surface water catchments
- Town Planning Scheme Zones
- Town Planning Scheme
- Virtual Mosaic
- National Trust of WA Covenant
- DAFWA Heritage
- DBCA Estate
- Land for Wildlife
- DEC Covenant
- Topographic contours