



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: 7980/1

File Number: 2018/000254

Duration of Permit: 1 September 2018 to 1 September 2020

PERMIT HOLDER

Caribbean Investments Pty Ltd

LAND ON WHICH CLEARING IS TO BE DONE

Lot 2380 on Deposited Plan 133583, Capel

AUTHORISED ACTIVITY

The Permit Holder shall not clear more than seven hectares of native vegetation within the area cross hatched yellow on attached Plan 7980/1.

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.

2. Clearing not authorised

This Permit does not authorise the Permit Holder to clear trees that have a diameter, measured at 1.5 metres from the base of the tree, of greater than 40 centimetres.

3. 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.

4. Reporting

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

DEFINITIONS

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

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



Jessica Burton
MANAGER
NATIVE VEGETATION REGULATION






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

2 August 2018

Plan 7980/1



Legend

-  Imagery
-  Localities
-  Roads
-  Clearing Instruments Activities
-  Local Government Authority



1:10,279

(Approximate when reproduced at A4)

GDA 94 (Lat/Long)

Geocentric Datum of Australia 1994

Parker Date *2 August 2018*

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.: 7980/1
Permit type: Area Permit

1.2. Applicant details

Applicant's name: Carribean Investments Pty Ltd

1.3. Property details

Property: LOT 2380 ON DEPOSITED PLAN 133583, CAPEL
Local Government Authority: CAPEL, SHIRE OF
DWER Region: Greater Swan
DBCAs District: BLACKWOOD
Localities: CAPEL

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
7		Mechanical Removal	Cropping

1.5. Decision on application

Decision on Permit Application: Granted
Decision Date: 2 August 2018

Reasons for Decision: The clearing permit application was received on 9 February 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*. It has been concluded that the proposed clearing is not likely to be at variance to the clearing principles.

During the assessment of the application, the applicant has provided a commitment to retain large trees within the application area. In order to ensure that this commitment is adhered to, the Delegated Officer has placed a condition on the clearing permit to retain all trees that have a diameter at breast height of greater than 40 centimeters.

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

Site Information

Clearing Description: The application is to clear up to seven hectares of native vegetation Lot 2380 on Deposited Plan 133583, Capel, for the purpose of hay and crop production.

Vegetation Description: The application area is mapped as Mattiske vegetation complex: Southern River Complex, described as Open woodland of *Corymbia calophylla* (Marri) - *Eucalyptus marginata* (Jarrah) - *Banksia* species with fringing woodland of *Eucalyptus rudis* (Flooded Gum) - *Melaleuca raphiophylla* (Swamp Paperbark) along creek beds (Mattiske et al., 1998)

A site inspection determined the vegetation to comprise of an open marri-jarrah woodland with no midstorey and a ground cover of predominately weeds (DWER, 2018).

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

To Degraded; Basic vegetation structure severely impacted by disturbance. Scope for regeneration but not to a state approaching good condition without intensive management (Keighery, 1994).

The application area has been parkland cleared and is currently being grazed (DWER, 2018).

Soil and Landform Type: The application area is mapped within land subsystems:

- Bassendean B6 Phase. (Map Unit 212Bs_B6) is described as imperfectly drained sandplain and broad extremely low rises with deep or very deep grey siliceous sands.

Comment: The local area referred to in this assessment is defined as the area within a 10 kilometre radius of the application area. Aerial imagery indicates that the local area retains approximately 35 per cent native vegetation cover.

Figure 1: Map of application area

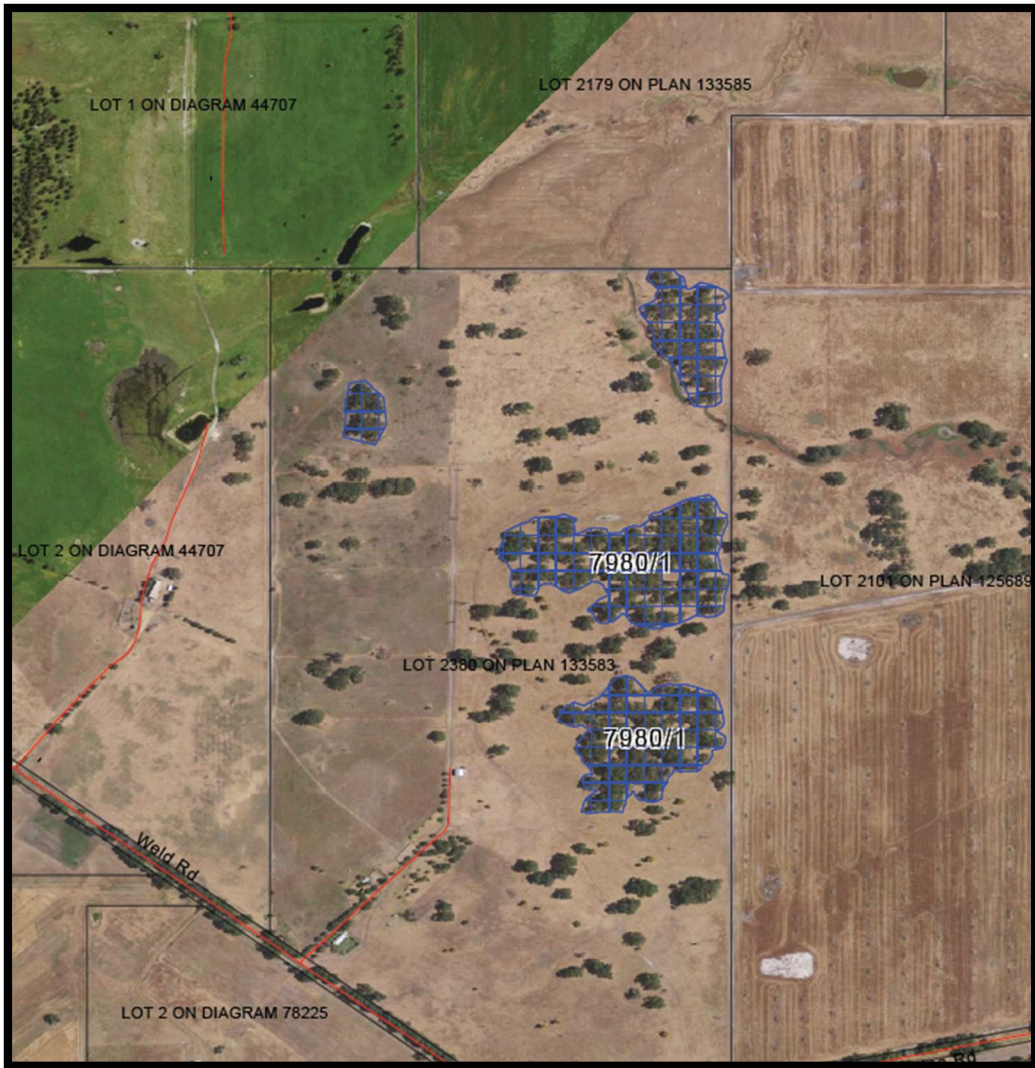


Figure 2: Photographs of vegetation within the application area



Photo 1: Is a representative of the vegetation within the application.



Photo 2: Is a representative of the vegetation within the application.

2. Assessment of application against clearing principles

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

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

The application is to clear up to seven hectares of native vegetation within four areas. As indicated within Figure 1, the application areas resides in paddocks that are currently being used for agricultural purposes.

As discussed in Section 2, the vegetation within the application area comprises marri/jarrah open woodland and is in a degraded to completely degraded (Keighery, 1994) condition (DWER, 2018).

According to available databases, 43 priority (P) flora species and nine rare flora species have been recorded within the local area. Rare flora are discussed under Principle (c). The 43 priority species comprise of six Priority 1 species, five Priority 2 species, 21 Priority 3 species and 11 Priority 4 species. A large number of these species have been mapped as occurring within the same soil and vegetation type as the application area.

Noting the site inspection identified no native understorey, extensive weed invasion and the area is currently being grazed (DWER, 2018), the application area is not likely to include, or be necessary for the continued existence of priority flora.

According to available databases, nine priority ecological communities (PEC) and eight threatened ecological communities (TEC) have been recorded within the local area. TECs are discussed under Principle (d). Of the identified PEC's, the Priority 3 Southern *Banksia attenuate* woodlands is the closest to the application area approximately 4.43 kilometres away. Based upon vegetation type, structure and condition within the application area, the vegetation under application is not a representation of Southern *Banksia attenuate* woodlands or any of the other PEC's recorded within the local area.

According to available databases, seven fauna species specially protected under the *Wildlife Conservation Act 1950*, seven fauna species protected under international agreement and eight priority fauna have been recorded within the local area (DBCA, 2007). Based upon the vegetation type, structure and condition, the application area is unlikely to provide habitat for fauna species of conservation significance. Fauna habitat and conservation significant fauna species are discussed under Principle (b).

Given the above, the application area is unlikely to comprise a high level of biological diversity. The proposed clearing is not likely to be at variance to this Principle.

(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.

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

According to available databases, seven fauna species specially protected under the *Wildlife Conservation Act 1950*, seven fauna species protected under international agreement and eight priority fauna have been recorded within the local area (DBCA, 2007-). Of the species identified within the local area, the application area may contain habitat for forest red-tailed black cockatoo (*Calyptorhynchus banksii* subsp. *naso*), Baudin's cockatoo (*Calyptorhynchus baudinii*) and Carnaby's cockatoo (*Calyptorhynchus latirostris*). Forest red-tailed black cockatoo is listed as vulnerable and under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Carnaby's cockatoo and Baudin's cockatoo are listed as endangered under the EPBC Act.

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). The vegetation within the application area does not contain any hollow bearing trees that fit the criteria for black cockatoo breeding habitat (DWER, 2018). There are a number larger trees that the applicant has left out of the application area that fit the criteria for black cockatoo breeding habitat (DWER, 2018). Noting this, and the commitment of the applicant to retain trees that have a diameter at breast height of greater than 40 centimetres, the proposed clearing is not considered to impact on suitable breeding habitat for the black cockatoo species.

Black cockatoos forage on the seeds, nuts and flowers of a large variety of plants including proteaceous species (*Banksia*, *Hakea*, *Grevillea*), as well as *Allocasuarina* and *Eucalyptus* species, *Corymbia calophylla* and a range of introduced species (Valentine and Stock, 2008). The application area largely comprises jarrah (*Eucalyptus marginata*) and marri (*Corymbia calophylla*) open woodland (DWER, 2017), and therefore provides suitable foraging habitat for black cockatoos. This foraging habitat within the application area is considered low quality given the degraded to completely degraded (Keighery, 1994) condition of the vegetation.

In addition, it is noted that the application area occurs within a local area that retains approximately 35 per cent native vegetation cover (11,103 hectares), of which the application area comprises 0.063 per cent of this. The application area is within 500 metres of an adjacent larger remnant of vegetation and is six kilometres from the Boyanup State Forest, which comprise approximately 235 hectares and 8,947 hectares of similar native vegetation in better condition, respectively. Therefore, it is considered that the application area is unlikely to comprise significant foraging habitat for black cockatoos.

Based upon the application areas having no midstorey and has a ground cover consisting of predominately weeds, the application area is unlikely to provide habitat for ground dwelling fauna.

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

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

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

According to available databases, nine rare flora species has been recorded within the local area. The nine rare flora species comprise of five herbs and four shrubs.

Noting the site inspection identified no native understorey, extensive weed invasion and the area is currently being grazed (DWER, 2018), the application area is not likely to include, or be necessary for the continued existence of rare flora.

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

(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.

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

According to available databases, eight TEC's have been recorded within the local area with the closest being Shrublands on dry clay flats located approximately 3 kilometres from the application area.

Noting the condition of the vegetation and the vegetation type and the historical grazing within the application area, the application area is not likely to comprise the whole or part of, or be necessary for the maintenance of, a TEC.

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

(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.

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

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).

As indicated in Table 1, the remaining extents of native vegetation within the bioregion and local government is above the 30 per cent threshold, however the mapped vegetation complex is below the 30 per cent threshold. Noting the condition of the vegetation and disturbance of the application area and the lack of understorey species suggest the mapped vegetation complex is no longer represented within the application area.

Aerial imagery indicates that the local area retains approximately 35 per cent native vegetation cover, including a large proportion of this vegetation occurring within the Capel Nature Reserve, Tuart Forest National Park and the Boyanup State Forest.

Noting the vegetation extents and that the application area does not provide significant habitat for conservation significant fauna and flora, the application area is unlikely to be significant as a remnant within an extensively cleared area. The proposed clearing is not likely to be at variance to this Principle.

Table 1: Vegetation extents (*Government of Western Australia, 2018)

	Pre-European (ha)	Current Extent (ha)	Remaining (%)	Current Extent in DCBA Managed Lands	
				(ha)	(%)
IBRA Bioregion*					
Swan Coastal Plain	1 501 221	578 997	38.5	222 766	38.5
Local government authority*					
Shire of Capel	55 945	18 585	33	8 475	45.5
Mattiske vegetation complex*					
Southern River Complex	58 781	10 828	18.5	935	1.5

(f) Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.

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

According to available databases, the application area has been mapped within a multiple use wetland. The wetland comprises of an area of approximately 42 322 hectares and is described as a palusplain wetland. Multiple use wetlands are considered to be wetlands that have few remaining important attributes, functions and values (Water and Rivers Commission, 2001). The Tren Creek runs through the north east section of the property just inside the application area.

Noting the above, it is considered that the vegetation under application is growing in an environment associated with a multiple use wetland and a creek. However, a site inspection of the application area identified that the vegetation under application to

comprise of an open marri-jarrah woodland with no midstorey and a ground cover of predominately weeds, had undergone significant historical disturbance via cattle grazing, and was in a degraded to completely degraded (Keighery, 1994) condition (DWER, 2018). Based upon this it considered that the application area is no longer a representation of a wetland. It was also noted that no vegetation was growing within the creek that runs through the north east section of the application area (DWER, 2018).

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

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

Proposed is not likely to be at variance to this Principle

As discussed in Section 2, the application area is located within the Bassendean B6 Phase Subsystem (Schoknecht et al., 2004).

The Commissioner of Soil and Land Conservation advised that the map unit has a low risk of land degradation in the form of wind erosion, waterlogging, water erosion, flooding, eutrophication and salinity as a result of the proposed clearing (Commissioner of Soil and Land Conservation, 2018).

Given the above, the proposed clearing is unlikely to cause appreciable land degradation. The proposed clearing is not likely to be at variance to this Principle.

(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.

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

According to available datasets, the closest conservation areas to the application area is the Capel Nature Reserve, Tuart Forest National Park and the Boyanup State Forest which are located 4.1 kilometres, 5.1 kilometres and 6.5 kilometres, from the application area, respectively.

Given the distance to the Nature Reserve, National Park and the State Forest from the application area, the proposed clearing is not likely to impact on the environmental values of these conservation areas.

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

(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.

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

As discussed under Principle (f), the application area has been mapped within a multiple use wetland, however based upon the vegetation type present and the historical disturbance to the application area from cattle grazing, the multiple use wetland is unlikely to be represented within the application area (DWER, 2018).

The Commissioner of Soil and Land Conservation advised that the proposed clearing is unlikely to contribute to nutrient enrichment of surface and/or groundwater bodies given the soil types present within the application area (Commissioner of Soil and Land Conservation, 2018).

The groundwater salinity within the application area ranges between 500-1,000 total dissolved solids per milligram per litre. The Commissioner of Soil and Land Conservation advised that there were no signs of salinity within the application area, and that no significant changes to groundwater salinity are expected as a result of the proposed clearing (Commissioner of Soil and Land Conservation, 2018).

Given the above, the proposed clearing is unlikely to cause deterioration in the quality of surface or underground water. The proposed clearing is not likely to be at variance to this Principle.

(j) Native vegetation should not be cleared if clearing the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.

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

The Commissioner of Soil and Land Conservation advised that the risk of flooding occurring as a result of the proposed clearing is low (Commissioner of Soil and Land Conservation, 2018).

Given the above, the proposed clearing is unlikely to cause, or exacerbate, the incidence or intensity of flooding. The proposed clearing is not likely to be at variance to this Principle.

3. Planning instruments and other relevant matters.

The application lies within the Capel River System Surface Water Area and the Busselton-Capel Groundwater Area as proclaimed under the *Rights in Water and Irrigation Act 1914*. As discussed under Principle (f), Tren Creek runs through the north east section of the property just inside the application area. A site inspection identified no vegetation growing within the creek, based upon this the application will not impact on the creek (DWER, 2018). DWER records show that no applications have been made 'to take'

surface or groundwater, or permits 'to interfere with bed and banks' under the RIWI Act 1914. Should the proponent require 'to take' surface or groundwater, or 'to construct' bores, the proponent is therefore advised to contact the Department's Busseton licensing section to determine their requirements under the RIWI Act 1914.

The application was advertised on the Department of Water and Environmental Regulation's website on 12 March 2018 for a 21 day public submission period. Two submissions were received from the Capel Land Conservation District Committee (Capel LCDC).

The initial submission from the Capel LCDC opposed the application based upon the application area providing habitat for black cockatoo species (Capel LCDC, 2018a). A revised submission was received from the Capel LCDC retracting their previous statement of opposing the application, with the new statement having no objections to the application. The revised submission was a result of the Capel LCDC meeting with the applicant and being shown around the property and informed of the clearing areas (Capel LCDC, 2018b). Impacts to black cockatoos has been addressed under principle (b) in the above decision report.

The Shire of Capel has advised that the application does not conflict with rural use under their Town Planning Scheme 7 (Shire of Capel, 2018)

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

4. References

- Capel Land Conservation District Committee (2018a) Submission received in relation to Clearing Permit Application CPS 7980/1 (DWER Ref:A1646425).
- Capel Land Conservation District Committee (2018b) A revised submission received in relation to Clearing Permit Application CPS 7980/1 (DWER Ref:A1646429).
- Commissioner of Soil and Land Conservation (2018) Advice received in relation to Clearing Permit Application CPS 7980/1. Department of Primary Industries and Regional Development (DWER Ref:A1654806).
- 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 (DBCA) (2007-) NatureMap: Mapping Western Australia's Biodiversity. Department of Parks and Wildlife. URL: <http://naturemap.dpaw.wa.gov.au/>. Accessed June 2018
- Department of Water and Environmental Regulation (2018) Site Inspection for Clearing Permit Application CPS 7980/1 - Carribean Investments Pty Ltd (DWER Ref:A1703530).
- Government of Western Australia (2018). 2017 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of November 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.
- 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.
- Schoknecht, N., Tille, P. and Purdie, B. (2004) Soil-landscape mapping in South-Western Australia – Overview of Methodology and outputs' Resource Management Technical Report No. 280. Department of Agriculture.
- Shire of Capel (2018) Advice received in relation to CPS 7980/1 – Planning approval is not required (DWER Ref:A1703606)
- Water and Rivers Commission (2001) Position Statement: Wetlands, Water and Rivers Commission, Perth.

GIS Databases:

Aboriginal Sites of Significance
DBCA Estate
Groundwater salinity
Hydrography, linear
Remnant vegetation
SAC bio datasets (accessed June 2018)
Soils, Statewide
Topographic contours
Wetlands, Swan Coastal Plain