



## CLEARING PERMIT

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

### PERMIT DETAILS

Area Permit Number: 8024/1  
File Number: DER2018/000456-1  
Duration of Permit: 8 September 2018 to 8 September 2020

### PERMIT HOLDER

Phillip Richard Perry  
John David Perry  
Brian Henry Perry

### LAND ON WHICH CLEARING IS TO BE DONE

Lot 101 on Deposited Plan 73957, Madora Bay  
Lot 9016 on Deposited Plan 411658, Madora Bay

### AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 6.185 hectares of native vegetation within the areas cross hatched yellow on attached Plan 8024/1.

### CONDITIONS

#### 1. Avoid, minimise etc 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 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.

#### 3. Records must be kept

The Permit Holder must maintain the following 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;
- (b) the date that the area was cleared;
- (c) the size of the area cleared (in hectares);
- (d) actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 1 of this Permit; and
- (e) actions taken to minimise the risk of the introduction and spread of *dieback and weeds* in accordance with condition 2 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.

#### 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;

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



Abbie Crawford  
MANAGER  
NATIVE VEGETATION REGULATION

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

13 August 2018

# Plan 8024/1



## Legend

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



1:5,025

(Approximate when reproduced at A4)

GDA 94 (Lat/Long)

Geocentric Datum of Australia 1994

*[Signature]* Date 13/8/18

Officer with delegated authority under Section 20 of the Environmental Protection Act 1988



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## 1. Application details

### 1.1. Permit application details

Permit application No.: 8024/1  
Permit type: Area Permit

### 1.2. Applicant details

Applicant's name: Mr JD, Mr BH and Mr PR Perry

### 1.3. Property details

Property: LOT 101 ON DEPOSITED PLAN 73957, MADORA BAY  
LOT 9016 ON DEPOSITED PLAN 411658, MADORA BAY  
Local Government Authority: MANDURAH, CITY OF  
DWER Region: Greater Swan  
DBCAs District: SWAN COASTAL  
Localities: MADORA BAY

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
6.185		Mechanical Removal	Sand storage and cut to fill earth working

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 13 August 2018  
Reasons for Decision: The clearing permit application was received on 15 March 2018 and 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 proposed clearing may increase the risk of dieback and weeds being introduced or spread into adjacent native vegetation. Dieback and weed management measures will minimise impacts to adjacent native vegetation.

## 2. Site Information

**Clearing Description:** The application is to clear up to clear 6.185 hectares of native vegetation within Lot 101 on Deposited Plan 73957 and Lot 9016 on Deposited Plan 411658, Madora Bay, for the purpose of sand storage and cut to fill earth working.

**Vegetation Description:** The application area is mapped as two Heddle vegetation complexes:

- Complex-Central and/South, described as mosaic of woodland of *Eucalyptus gomphocephala* (tuart) and open forest of *Eucalyptus gomphocephala*, *Eucalyptus marginata* and *Corymbia calophylla* (marr); closed heath on the Limestone outcrops; and
- Quindalup Complex, described as coastal dune complex consisting mainly of two alliances - the strand and fore-dune alliance and the mobile and stable dune alliance. Local variations include the low closed forest of *Melaleuca lanceolata* (Rottnest Teatree) - *Callitris preissii* (Rottnest Island Pine), the closed scrub of *Acacia rostellifera* (Summer-scented Wattle) and the low closed *Agonis flexuosa* (Peppermint) forest of Geographe Bay (Heddle et al., 1980).

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; DWER, 2018).

**Vegetation Condition:** 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 application area is in a degraded to completely degraded (Keighery, 1994) condition (DWER, 2018), which is the result of long term cattle grazing on the property (Ecoscape, 2011).

**Soil and Landform Type:**

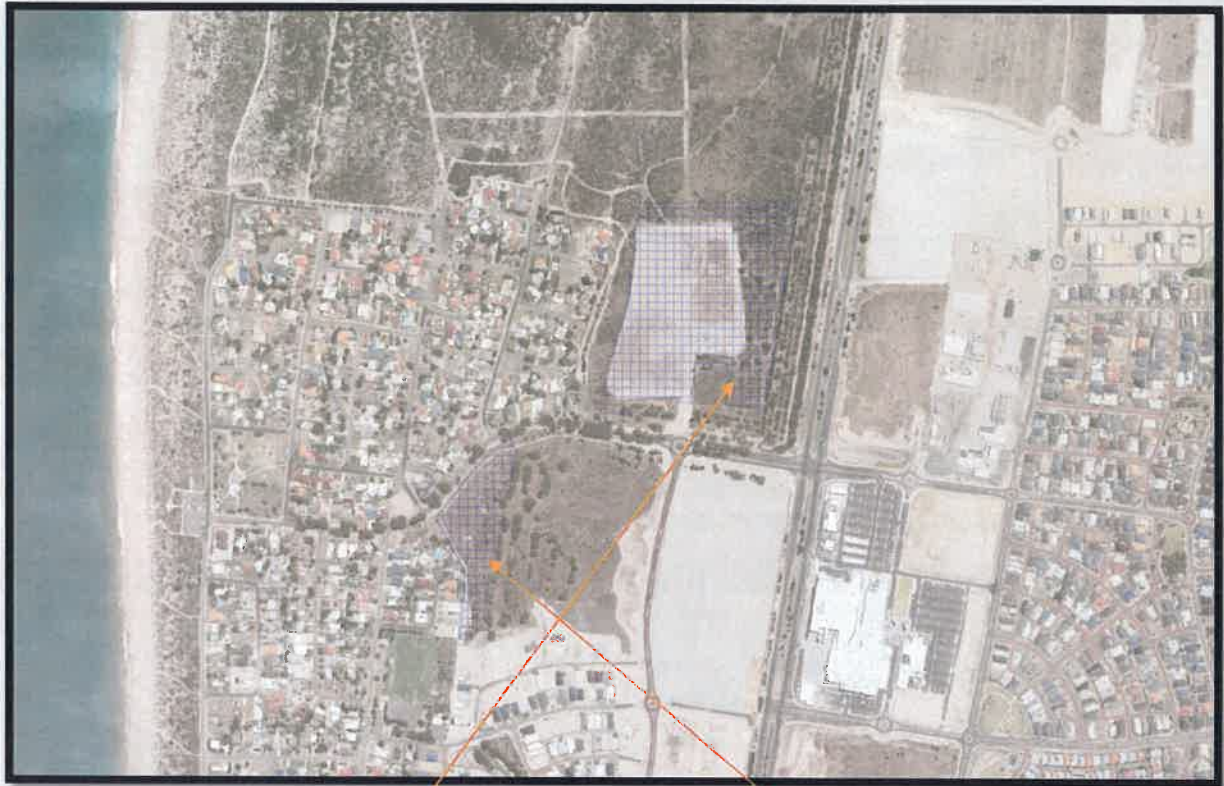
The application area is mapped within the following land subsystem:

- Quindalup South Qf2 Phase Subsystem (Map Unit 211Qu\_Qf2), described as relict foredunes and gently undulating beach ridge plain uniform calcareous sands (mapped over approximately 30 per cent of the application area);
- Quindalup South Qp1 Phase Subsystem (Map Unit 211Qu\_Qp2), described as complex of nested low relief parabolic dunes with moderate to steep slopes and uniform calcareous sands showing variable depths of surface darkening (mapped over approximately 20 per cent of the application area); and
- Spearwood S5 Phase Subsystem (Map Unit 211Sp\_S5), described as stony plain with extremely low ridges (relict beach ridges) and shallow moderately deep siliceous yellow-brown sands (mapped over approximately 50 per cent of the application area) (Schoknecht et al., 2004).

**Comment:**

The local area referred to in the below assessment is defined as the area within a 10 kilometre radius of the application area.

**Figure 1: Map of application area**



**Figure 2: Photographs of vegetation within the application area**



Photo 1



Photo 2



### 3. Assessment of application against clearing principles

The application is to clear up to clear 6.185 hectares of native vegetation within Lot 101 on Deposited Plan 73957 and Lot 9016 on Deposited Plan 411658, Madora Bay, for the purpose of sand storage and cut to fill earth working.

As shown within Figure 1, a large portion of the clearing footprint has been previously cleared under Clearing Permit 7086/1, however has been included within this application due to a small amount of regrowth within the area (DWER, 2018). A number of medium size tuart trees were identified within the application footprint, however these trees were intentionally planted by the property owner and in accordance with the *Environmental Protection Act 1986* these trees are not considered to be native vegetation (DWER, 2018).

According to available databases, 17 priority flora species and three rare flora species have been recorded within the local area. 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 or threatened or priority ecological communities were identified (Ecoscape, 2011).

Priority 3 flora species are known from several locations, and are not under imminent threat, or are known from few but widespread locations with either large population sizes or significant remaining areas of apparently suitable habitat (Jones, 2015). A total of six *Beyeria cinerea* subsp. *cinerea* individuals were identified over four localities within the southern portion of the property (Ecoscape, 2011). Of the six individuals, two are proposed to be cleared.

There are 51 known locations of *Beyeria cinerea* subsp. *cinerea* spread over a range of approximately 470 kilometres across 12 Local Government Areas. Madora Bay is at the southernmost extent of the distribution of *Beyeria cinerea* subsp. *cinerea* with a specimen collected approximately 250 metres south of the study area in 1983 (Ecoscape, 2011), however as a result of this area being developed, it would appear this has been cleared. A further population of the species has also been identified approximately 1.4 kilometres north-east of the proposed clearing area. Although the proposed clearing will impact on the species at a local level, it is unlikely to impact the overall conservation status of the species given the number of known records and its current distribution range. Weed mitigation measures will assist in minimising this risk to the remaining individuals outside of the proposed clearing area. It is also recommended that the applicant clearly demarcates the locality comprising the four individuals of *Beyeria cinerea* subsp. *cinerea* prior to clearing to minimise indirect impacts, such as inadvertent trampling.

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 cleared under CPS 7086/1 with a further six individuals proposed to be cleared under the current application.

There are 17 known locations of *Conostylis pauciflora* subsp. *pauciflora* spread over a range of approximately 170 kilometres within the Shire of Gingin, Harvey, Murray and Waroona and the City of Rockingham, Mandurah, and Wanneroo. The proposed clearing will directly impact on six individuals, and may indirectly impact on a further 16 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 to the remaining species outside of the proposed clearing area. It is also recommended that the applicant clearly demarcates the locality comprising the 16 individuals of *Conostylis pauciflora* subsp. *pauciflora* prior to clearing to minimise indirect impacts, such as inadvertent trampling.

According to available databases, a total of 49 conservation significant fauna species have been recorded within the local area with a large number of these species being associated with a marine environment (DBCA, 2007-). 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 (DWER, 2018), and given the degraded to completely degraded (Keighery, 1994) condition (DWER, 2018), 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, 2018). Aerial imagery indicates that the local area surrounding the application retains approximately 35 per cent native vegetation cover. Given these vegetation extents and the degraded to completely degraded (Keighery 1994) condition (DWER, 2018), 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; DWER, 2018). Given this, the proposed clearing is not likely to impact on vegetation growing in association with a wetland, deteriorate the quality of groundwater or surface water and is not likely to cause or exacerbate flooding.

As indicated in Section 2 the application area is mapped within three land subsystems. Greater than 70 per cent of Spearwood S5 Phase Subsystem has a high to extreme wind erosion risk. Between 30 – 50 per cent of the Quindalup South Qf2 Phase subsystem and Quindalup South Qp1 Phase subsystem has a high to extreme wind erosion risk. Noting this, the proposed clearing could potentially contribute to increased wind erosion. However, noting that condition of the vegetation and the fragmented nature of the proposed clearing, and that large areas of the application are adjacent to areas that are subject to past disturbances from development, the proposed clearing is unlikely to significantly increase wind erosion.

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, 2018), 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.

#### **Planning instruments and other relevant matters.**

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). The area under application falls outside of this area.

The development of the property was referred to the former Department of Sustainability, Environment, Water, Population and Communities (now the Department of the Environment and Energy) 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).

The applicant has obtained development approval from the City of Mandurah for the proposed earthworks in accordance with the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 (City of Mandurah, 2018).

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

The application was advertised on 26 March 2018 for a 21 day public submission period. No public submissions have been received.

#### **4. References**

- Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.
- City of Mandurah (2018) Development Approval provided in to Clearing Permit Application CPS 8024/1 (DWER Ref:A1710120).
- 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
- DSEWPaC (2012) Decision on Variation to Proposal and Referral Decision. Lot 100 Mandurah Road, Madora Bay, Western Australia.
- Department of Water and Environmental Regulation (2018) Site Inspection Report for Clearing Permit Application CPS 8024/1 (DWER Ref:A1706034).
- 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 (2018). 2017 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of November 2017. 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.
- 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.
- 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.

GIS Databases:  
Aboriginal Sites of Significance  
DBCA Estate  
Groundwater salinity  
Hydrography, Linear  
Hydrography, Hierarchy  
Remnant Vegetation  
SAC bio datasets (accessed July 2018)  
Soils, Statewide  
Topographic contours