GOVERNMENT OF
WESTERN AUSTRALIA

CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS
Area Permit Number: 8159/1
File Number: DER2018/001235
Duration of Permit: From 10 February 2019 to 10 February 2021

PERMIT HOLDER
Christopher James Mulcahy
Ayesha Zayo Hassan

LAND ON WHICH CLEARING IS TO BE DONE
Lot 4 on Plan 23130, Treeton

AUTHORISED ACTIVITY
The Permit Holder shall not clear more than 0.59 hectares within the area hatched yellow on attached Plan 8159/1.

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. **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. **Type of clearing authorised**
   Clearing shall be conducted in a slow, progressive manner from south to north.

4. **Western Ringtail Possum Management**
   (a) In relation to the area cross-hatched yellow on attached Plan 8159/1, the Permit Holder must engage a *fauna specialist* to inspect that area immediately prior to, and for the duration of clearing, for the presence of western ringtail possum(s) (*Pseudocheirus occidentalis*).
   (b) Clearing must cease in any area where fauna referred to in condition 4(a) above are identified until the western ringtail possum(s) individual has moved on from that area to adjoining *suitable habitat*.
   (c) Where fauna is identified under condition 4(a) of this Permit, the Permit Holder must provide the following records to the *CEO* as soon as practicable:

(i) the number of individuals identified;
(ii) the date each individual was identified;
(iii) the location where each individual was identified 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;
(iv) details pertaining to the circumstances of any death of, or injury sustained by, an individual.

5. Record keeping

The Permit Holder must maintain the following records 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(s) 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;
(e) actions taken to minimise the risk of the introduction and spread of *dieback* and *weeds* in accordance with condition 2 of this Permit; and
(f) of records required under condition 4 of this Permit.

6. Reporting

The Permit Holder must produce the records required under condition 5 of this Permit when required by the *CEO*.

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*;

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

fauna specialist: means a person who holds a tertiary qualification specializing in environmental science or equivalent, and has a minimum of 2 years work experience in fauna identification and surveys of fauna native to the region being inspected or surveyed, and who holds a valid fauna licence issued under the *Biodiversity Conservation Act 2016;*

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;

suitable habitat: means habitat known to support western ringtail possums (*Pseudocheirus occidentalis*) within the known current distribution of the species. This often includes stands of myrtaceous trees (usually Peppermint Tree (*Agonis flexuosa*)) growing near swamps, watercourses or floodplains, and at topographic low points which provide cooler, often more fertile, conditions.

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.

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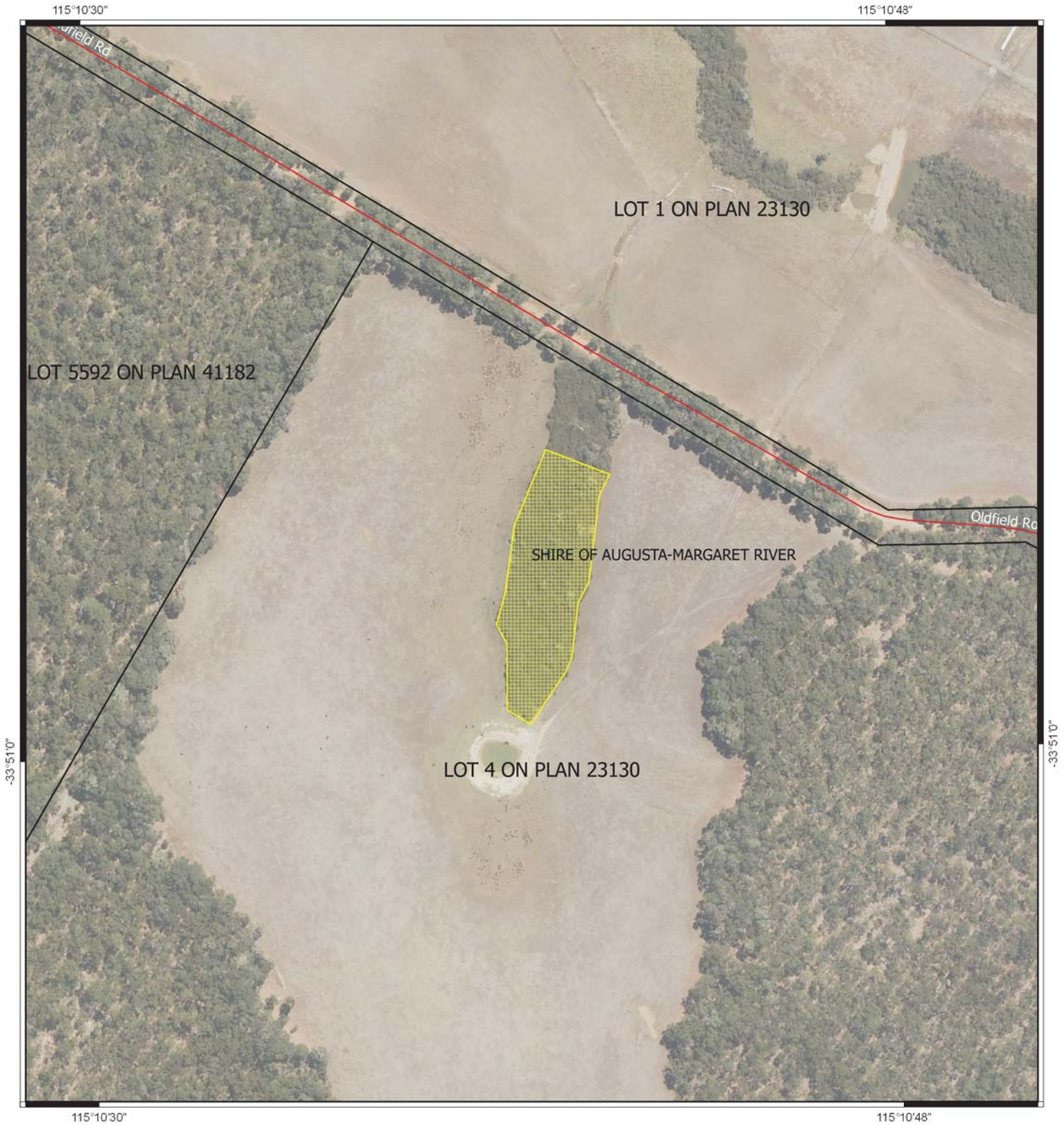
Ryan Mincham
MANAGER
NATIVE VEGETATION REGULATION

Officer delegated under Section 20
of the Environmental Protection Act 1986

11 January 2019

Plan 8159/1



Legend

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- Cadastre
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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.: 8159/1
Permit type: Area Permit

1.2. Proponent details

Applicant's name: Mr Christopher James Mulcahy
Mrs Ayesha Hassan

1.3. Property details

Property: Lot 4 on Plan 23130, Treeton
Local Government Authority: Shire of Augusta-Margaret River
DER Region: Greater Swan
DPaW District: Blackwood
Localities: Treeton
GPS coordinates Latitude: -33.8512 Longitude: 115.18

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
0.59		Mechanical Removal	Dam construction and development

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 11 January 2019
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 (f), may be at variance to Principle (b) and is not likely to be at variance to the remaining clearing principles.

Through assessment it was identified that the application area includes a watercourse and may contain suitable habitat for western ringtail possum.

In determining to grant a clearing permit, the Delegated Officer determined that impacts to western ringtail possums can be adequately minimised and/or avoided by imposing fauna management measures and requiring clearing to be undertaken in a slow, directional manner.

2. Site Information

Clearing Description The clearing of 0.59 hectares of native vegetation within Lot 4 on Plan 23130, Treeton, is for the purpose of dam construction and development. The application area is indicated in Figure 1.

Vegetation Description There is one South West Forrest Vegetation complex mapped in the application area; Tw which is described as Open forest of *Eucalyptus patens-Corymbia calophylla-Eucalyptus marginata* subsp. *marginata* on lower slopes and on floors of minor valleys in the perhumid zone. (Mattiske & Havel, 1998).

Vegetation within the application area consists of thicket of *Myrtaceae sp.* and *Taxandria linearifolia* with occasional emergent *Corymbia calophylla* over sparse shrubland *Acacia pulchella* and *Acacia divergens* over *Lepidosperma tetraquetrum* sedgeland. Around the edges of the application area, the understorey is dominated by introduced pasture species including but not limited to **Arctotheca calendula, *Poaceae sp., and *Trifolium sp.*

Vegetation Condition Very good; Vegetation structure altered; obvious signs of disturbance (Keighery 1994)

To

Degraded; Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994).

The condition of the vegetation within the application area was determined from the DWER site inspection (DWER, 2018a).

Soil/Landform Type: The application area is mapped within the following land subsystem (Schoknecht et al., 2004)

- Treeton wet valley Phase: Broad U-shaped drainage depressions with swampy floors.

Comment The local area considered in the assessment of this application is a 10km radius measured from the perimeter of the application area. The local area retains approximately 50 per cent native vegetation cover.

Figure 1 Application area within Lot 4 on Plan 23130, Treeton

3. Assessment of application against clearing principles

According to available databases 16 conservation significant fauna species have been recorded within the local area (Department of Biodiversity, Conservation and Attractions (DBCA), 2007), including;

- *Calyptorhynchus latirostris* (Carnaby's cockatoo – Rare or likely to become extinct)
- *Calyptorhynchus baudinii* (Baudin's cockatoo - Rare or likely to become extinct)
- *Calyptorhynchus banksii* subsp. *naso* (forest red-tailed black cockatoo - Rare or likely to become extinct)
- *Engaewa pseudoreducta* (Margaret River burrowing crayfish - Rare of likely become to extinct)
- *Engaewa reducta* (Dunsborough burrowing crayfish - Rare of likely become to extinct)
- *Pseudocheirus occidentalis* (western ringtail possum – Rare or likely to become extinct)
- *Isoodon fusciventer* (quenda – Priority 4)

The applicant has conducted his own flora and fauna survey and has advised that the application area is an isolated section of riparian vegetation with an upper storey consisting predominately of *Taxandria linearfolia* (Mulcahy, 2018). The application area contains 31 *Corymbia calophylla* (mari) trees with a base diameter at chest height ranging from <150 to 1,500 millimetres, as well as two *Eucalyptus marginata* (jarrah) with base diameter ranging from 100 to 800 millimetres (Mulcahy, 2018). Two trees containing hollows were identified. The hollows were estimated to be 150 – 200 millimetres (Mulcahy, 2018).

The application area contains suitable foraging habitat for black cockatoos, however given the relatively small size of the application area and the amount of remaining vegetation on the property the foraging habitat in the application is not likely to be significant. The hollows identified are too small to be appropriate breeding habitat for black cockatoos.

The application area is located just outside of the current range extensions for the Dunsborough burrowing crayfish and Margaret River burrowing crayfish.

DBCA has reviewed the applicant's flora and fauna report and has advised that although western ringtail possums were not observed they still may be present, albeit the density would be low (DBCA, 2018a). The requirement to undertake clearing in a progressive manner from south to north, and to have a fauna spotter present during clearing will reduce the likelihood of possums or quenda being injured during the clearing process.

According to available databases, five threatened flora species and 26 priority flora species have been recorded within the local area. Advice received from DBCA Bunbury district states that the applied area is unlikely to support any species or vegetation currently listed as threatened (DBCA, 2018b).

There are no known threatened ecological communities within the local area. Noting the mapped soil and vegetation type within the local area and the application area, it is unlikely that threatened ecological communities occur within the application 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 application area is located within the Jarrah Forrest Interim Biogeographic Regionalisation of Australia (IBRA) bioregion. This IBRA bioregion has approximately 53.4 per cent of its pre-European vegetation extent remaining (Government of Western Australia, 2018b). The application area is mapped as Tw vegetation complex. This complex has approximately 33.7 per cent of its pre-European extent remaining in the Jarrah Forrest bioregion (Government of Western Australia, 2018a). A review of aerial imagery indicates that the local area (10 kilometre radius) retains approximately 50 per cent vegetation.

According to available databases, an unnamed minor, non-perennial water course intersects the application area. The proposed clearing will impact dense riparian vegetation which contains intrinsic habitat values (DWER, 2018b).

The Commissioner of Soil and Land Conservation arranged a site inspection which was conducted by the Department of Primary Industries and Regional Development (DPIRD) on 19 September 2018. Based on the results of the inspection, DPIRD provided a land degradation report where it indicated that the risk of all forms of land degradation (salinity, eutrophication, wind erosion, water erosion, waterlogging and flooding) is low (DPIRD, 2018). Given this, the proposed clearing is not likely to cause appreciable land degradation, or cause or exacerbate the incidence or intensity of flooding.

Based on information from available databases, the nearest conservation reserve from the application is North East Margaret River State Forest (class A) located approximately 460 metres south of the application area. The next closest conservation area is Blackwood State Forest (class A) located approximately 3.5 kilometres south east of the application area. Noting the size of the application area, the extent, and the distance to these conservation area, the proposed clearing is not likely to have an impact on the environmental values of nearby conservation areas.

According to available databases, the application area has relatively flat topography, an average rainfall of 1,000 millimetres per annum, and non-saline groundwater, mapped at less than 500 total dissolved solids (milligrams per litre). Noting this, the size, the extent of the proposed clearing, the condition of the vegetation within the application area, and the fact that the main river channel in the local area is severely degraded, the proposed clearing is unlikely to cause deterioration in the quality of surface or underground water.

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

Planning instruments and other relevant matters.

The application area falls within the Geographe Bay Rivers Surface Water Area and the Busselton Capel Groundwater Area which are areas proclaimed under the *Rights in Water and Irrigation Act 1914* (RIWI Act). The applicant applied for three permits/licences under the RIWI Act. On 6 December 2018 the applicant was notified that a spring exists at the head of the watercourse on his property and therefore he has 'Spring Rights' and permits under the RIWI Act for Dam 1 are not required.

The Shire of Augusta-Margaret River has verbally advised that their assessment of the Development Application for the proposed dams is complete and they are awaiting a decision on the clearing permit.

The clearing permit application was accepted by DWER on 7 August 2018 and was advertised on the DWER website on 22 August 2018 with a 21 day submission period. No public submissions have been received in relation to this application.

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

The application area is zoned priority agriculture under the town planning scheme.

4. References

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

Department of Biodiversity, Conservation and Attractions. (2007). NatureMap: Mapping Western Australia's Biodiversity. Department of Parks and Wildlife. URL: http://naturemap.dpaw.wa.gov.au/. Accessed 22 August 2018.

Department of Biodiversity, Conservation and Attractions (2018a). DBCA advice regarding flora and fauna report provided to support Clearing Permit Application CPS 8159/1. (DWER Ref: A1749628).

Department of Biodiversity, Conservation and Attractions (2018b). DBCA advice for Clearing Permit Application CPS 8159/1. (DWER Ref: A1729983).

Department of Primary Industries and Regional Development (DPIRD) (2017). NRInfo Digital Mapping. Department of Primary Industries and Regional Development. Government of Western Australia. URL: https://maps.agric.wa.gov.au/nrm-info/ (accessed 8 October 2018).

Department of Primary Industries and Regional Development (DPIRD). (2018). Land degradation advice for Clearing Permit CPS 8159/1. Western Australia. (DWER Ref: A1727757).

Department of Water and Environmental Regulation (DWER) (2018a). Site Inspection Report for Clearing Permit CPS 8159/1. Site inspection undertaken 26 September 2018. Western Australia. (DWER Ref: A1726619).

Department of Water and Environmental Regulation (DWER) (2018b). Water advice for Clearing Permit CPS 8159/1. Western Australia. (DWER Ref: A1735021)

Government of Western Australia. (2018a). 2017 South West Vegetation Complex Statistics. Current as of October 2017. WA Department of Biodiversity, Conservation and Attractions, Perth, Retrieved from https://catalogue.data.wa.gov.au/dataset/dbca

Government of Western Australia. (2018b). 2017 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of December. (2017). WA Department of Biodiversity, Conservation and Attractions. Retrieved from https://catalogue.data.wa.gov.au/dataset/dbca-statewide-vegetation-statistics

Heddle, E. M., Loneragan, O. W., and Havel, J. J. (1980) Vegetation Complexes of the Darling System, Western Australia. In Department of Conservation and Environment, Atlas of Natural Resources, Darling System, Western Australia

Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.

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.

Mulcahy, C.J,. (2018). Supporting information for clearing permit application CPS 8159/1. Western Australia. (DWER Ref: A1709895).

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
- DAFWA Heritage
- DBCA Estate
- DEC Covenant
- Groundwater salinity
- Hydrography, linear
- National Trust WA Covenant
- Remnant vegetation
- SAC bio datasets (accessed March 2018)
- Soils, Statewide
- Topographic contours
- Wetlands