



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: 8328/1
File Number: DWERVT2931
Duration of Permit: 25 December 2019 to 25 December 2021

PERMIT HOLDER

Mr Tomas Hudak and Ms Kathreen O'Connor

LAND ON WHICH CLEARING IS TO BE DONE

Lot 11 on Diagram 63323, Marbelup

AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 2.66 hectares of native vegetation within the area hatched yellow on attached Plan 8328/1.

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. 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);
- (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 weeds and dieback 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:

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;

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) 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.

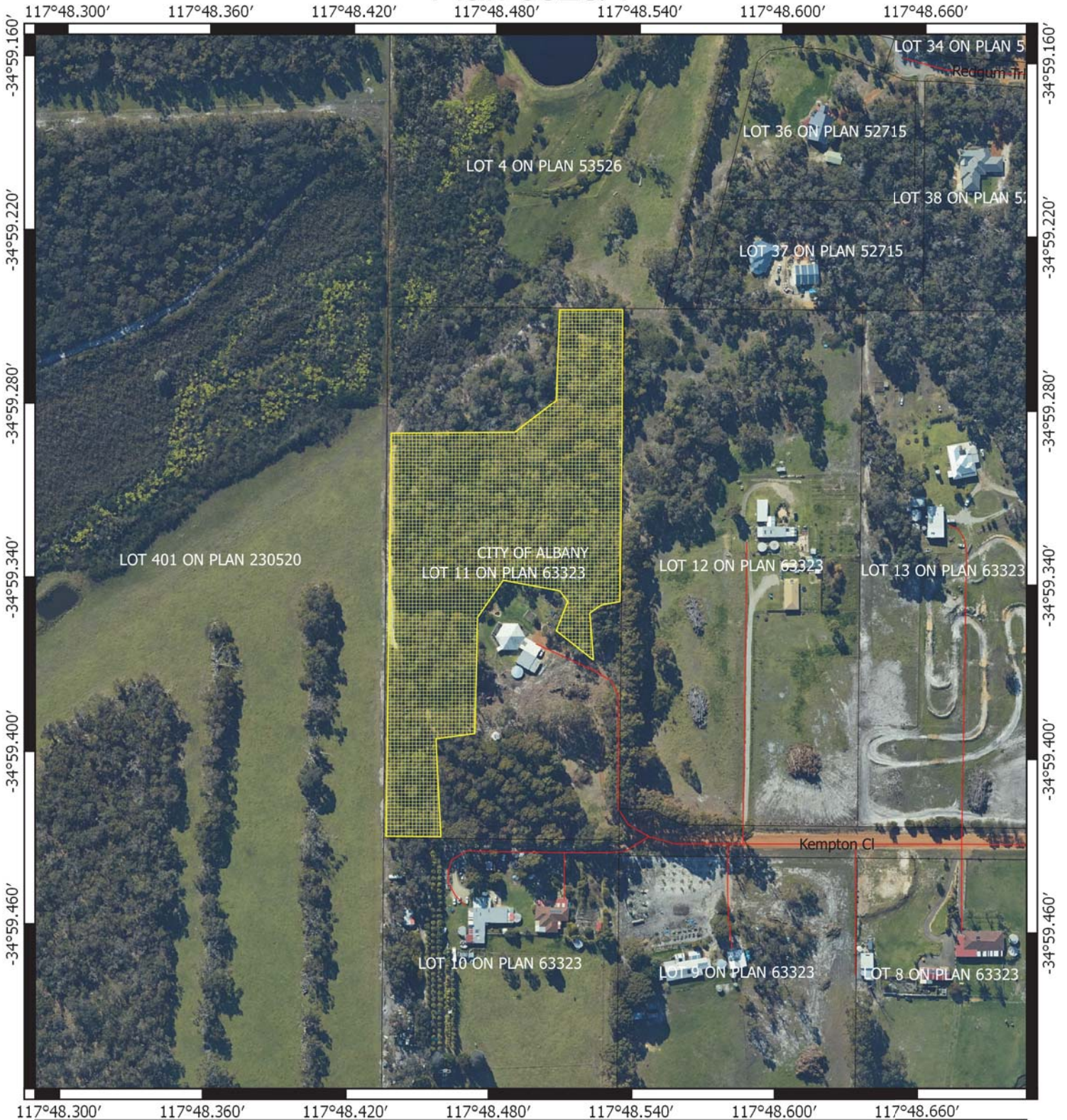
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MANAGER
NATIVE VEGETATION REGULATION


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

25 November 2019

Plan 8328/1



Legend

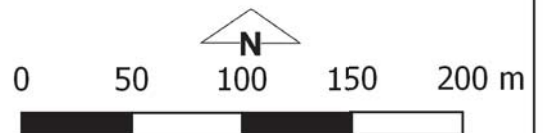
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Officer with delegated authority under Section 20
of the Environmental Protection Act 1986



GOVERNMENT OF
WESTERN AUSTRALIA



1. Application details

1.1. Permit application details

Permit application No.: 8328/1
Permit type: Area Permit

1.2. Applicant details

Applicant's name: Mr Tomas Hudak and Ms Kathreen O'Connor
Application received date: 14 January 2019

1.3. Property details

Property: Lot 11 on Diagram 63323, Marbelup
Local Government Authority: City of Albany
Localities: Marbelup

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
2.66		Mechanical Removal	Fire hazard reduction and orchard

1.5. Decision on application

Decision on Permit Application: Granted
Decision Date: 25 November 2019

Reasons for Decision: The clearing permit application was received on 14 January 2019 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 with any of the clearing principles.

In determining to grant a clearing permit subject to conditions, the Delegated Officer considered that the proposed clearing is not likely to lead to an unacceptable risk to the environment.

2. Site Information

Clearing Description: The application is for the proposed clearing of up to 2.66 hectares of native vegetation within Lot 11 on Diagram 63323, Marbelup, within the City of Albany for the purpose of fire hazard reduction and an orchard. The application area is indicated in Figure 1.

Vegetation Description The majority of the vegetation within the application area is mapped as Beard vegetation association 978, which is described as 'Low forest, woodland or low woodland with scattered trees' (Shepherd et al., 2001). The remaining vegetation within the application area is mapped as Beard vegetation association 51, which is described as 'sedgeland' (Shepherd et al., 2001). Aerial imagery and the flora survey report provided by the applicant indicate that the vegetation under application is not representative of Beard vegetation association 51.

A targeted flora survey report provided by the applicant described the application area as dominated by marri/jarrah forest over *Bossiaea linophylla* tall shrubland with an occasional *Xanthorrhoea platyphylla* / *Agonis theiformis*, open shrubland and/or *Patersonia umbrosa* very open herbland (Sandiford, 2019).

Vegetation Condition Very Good: Vegetation structure altered, obvious signs of disturbance;

to

Completely Degraded: The structure of the vegetation is no longer intact and the area is completely or almost completely without native species (Keighery, 1994).

Soil/Landform Type

The application area is mapped within the following land systems (Department of Primary Industries and Regional Development, 2019):

- Minor Valleys S7 slope Phase, described as broad valleys in sedimentary rocks; 30 m relief with smooth slopes. Deep sands and iron podzols on slopes with podzols and yellow duplex soils on floors; and

- Dempster crest Phase land system, described as sands and laterite on elongate crests.

Comments

The local area referred to in the assessment of this application is defined as a 10 kilometre radius measured from the perimeter of the application area.

Vegetation condition was determined by a site inspection conducted by Department of Primary Industries and Regional Development (DPIRD) (2019) and a targeted flora survey (Sandiford, 2019).

A review of available databases has determined that the application area falls within the Jarrah Forest Interim Biogeographic Regionalisation of Australia (IBRA) bioregion and mapped as Southern Jarrah Forest, retaining approximately 35.37% of its pre-European vegetation extent (Government of Western Australia, 2018).

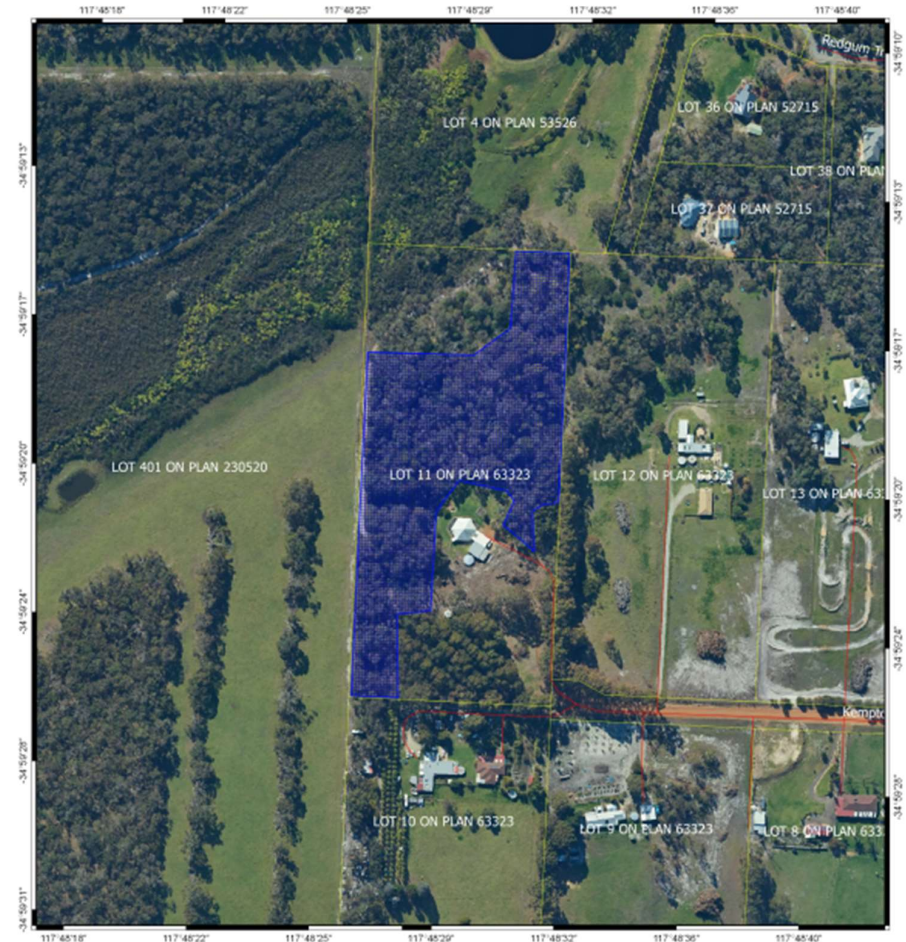


Figure 1: Application area (cross-hatched in blue)

3. Assessment of application against clearing principles and planning instruments and other matters

A review of the available databases identified 51 conservation significant flora species within the local area. Of these species, one Threatened flora, one Priority 2 flora, three Priority 3 flora and two Priority 4 flora species have the potential to occur within the application area. The priority flora taxa occur within the same soil sub-systems as the application area, or occur within a similar habitat as that found within the application area. With the exception of *Leucopogon cymbiformis* (Priority 2), based on the number of records and distribution of these priority flora species, the proposed clearing would not likely impact on their conservation status.

Leucopogon cymbiformis (Priority 2) is known from a total of 15 records from the Albany, Cranbrook and Plantagenet areas, at sites generally associated with white/grey or yellow sand, lateritic gravelly soils, on sandplains, wet flats and foothills (Western Australian Herbarium, 1998-). The nearest record of this species is approximately 5.4 kilometres from the application area. Due to the relatively restricted distribution and low number of records, any occurrence of this species within the application area may be significant.

The Threatened flora dwarf hammer-orchid (*Drakaea micrantha*) is known to occur approximately 10 kilometres from the application area. This species is known from a total of 49 records from Albany, Armadale, Augusta-Margaret River, Busselton,

Canning, Capel, Denmark, Harvey, Manjimup, Murray, Nannup and Plantagenet areas, at sites generally associated with gentle slopes, deep white sand, white-grey sand and sandy clearings (Western Australian Herbarium, 1998-). The dwarf hammer-orchid is also known to occur in jarrah and sheoak woodland (Department of the Environment, Water, Heritage and the Arts, 2008).

A targeted flora survey was undertaken to determine whether the dwarf hammer-orchid or *Leucopogon cymbiformis* were present within the application area. The survey was conducted during the peak flowering time for the species, and no conservation significant flora species were recorded (Sandiford, 2019). Sixteen weed and planted species were recorded during the survey, including two Weeds of National Significance *Rubus anglocandicans* and *Asparagus aethiopicus*. The survey reported reduced structural and species diversity of the application area, which is typical of areas that have been disturbed in the past (Sandiford, 2019). Noting this, the absence of conservation significant flora species and the high number of weed species, the application area is not likely to comprise a high level of biological diversity.

According to available databases, 25 threatened fauna species, 22 species protected under international agreement, three fauna species classified as specially protected fauna, one Priority 2, two Priority 3 and seven Priority 4 fauna species have been recorded within the local area (Department of Biodiversity, Conservation and Attractions, 2007). Of these species, the quenda (*Isoodon fusciventer*), chuditch (*Dasyurus geoffroii*), western brush wallaby (*Notamacropus irma*), south-western brush-tailed phascogale (*Phascogale tapoatafa* subsp. *macropus*), Carnaby's cockatoo (*Calyptorhynchus latirostris*), Baudin's cockatoo (*Calyptorhynchus baudinii*), forest red-tailed black cockatoo (*Calyptorhynchus baudinii*) (collectively known as black cockatoos) and several other bird species have been identified as having the potential to occur within the application area. Given the occurrence of nature reserves in the local area and the wide distribution of the ground dwelling species, the proposed clearing is not likely to impact on significant habitat for any conservation significant fauna.

Carnaby's cockatoo and Baudin's cockatoo are listed as Endangered and forest red-tailed cockatoo are listed as Vulnerable under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Black cockatoos 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). Photographs provided by the applicant indicated that the trees within the application area are unlikely to be suitable habitat trees for black cockatoos. There are no known records of black cockatoo sightings or roosting sites within the application area. There are several nature reserves within the local area, including Marbelup, Down Road and Gledhow nature reserves, as well as other relatively large patches of remnant vegetation that provide foraging habitat for black cockatoos. Noting this, the application area is not likely to be a significant habitat for black cockatoos.

There are no Threatened or Priority Ecological Communities (TECs/PECs) mapped within the application area. According to the available databases, the PEC '*Banksia coccinea* shrubland (Community type 14a)' (Priority 1) which can be a component of the Proteaceae Dominated Kwongan Shrublands of the Southeast Coastal Floristic Province of Western Australia EPBC Listed TEC, is approximately 1.5 kilometres north-west and two kilometres north-east of the application area. The application area is not likely to comprise the whole or part of, or is necessary for the maintenance of a TEC.

The national objectives and targets for biodiversity conservation in Australia have 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 falls within the Jarrah Forest Interim Biogeographic Regionalisation of Australia (IBRA) bioregion and is mapped as Beard vegetation association 978, which retains 35.37 per cent (18,751.03 hectares) of its pre-European vegetation extent (Government of Western Australia, 2018). The local area retains approximately 38.90 per cent (11,918 hectares) of remnant native vegetation. Given that the local area and mapped vegetation association retain above the 30 threshold level, the native vegetation proposed to be cleared is not considered to be significant remnant vegetation in an area that has been extensively cleared.

A marshland is located to the northwest of the application area; it incorporates a waterbody fringed with vegetation. A 50 metre buffer between the wetland and the application area will be maintained, ensuring protection to the wetland. There are no watercourses or wetlands mapped within the application area, therefore the native vegetation is not considered to be growing in, or in association with, an environment associated with a watercourse or wetland.

The nearest conservation area, Gledhow Nature Reserve, is approximately three kilometres south-east of the application area. Given the distance to this reserve, it is unlikely that the proposed clearing will have an impact on the environmental values of the reserve or any conservation areas.

A site inspection carried out by DPIRD on 20 February 2019 concluded that the risk of land degradation as a result of the proposed clearing is low (DPIRD, 2019), therefore it is not likely that the proposed clearing will cause appreciable land degradation.

Given the relatively small size of the application area and the retained buffer to the wetland, the proposed clearing is not likely to deteriorate the quality of surface or groundwater and cause or exacerbate flooding.

Given the above, the proposed clearing is not likely to be at variance with any of the clearing principles.

Planning instruments and other relevant matters

The area under application is not located within areas covered by the *Rights in Water and Irrigation Act 1914* (RIWI Act).

The City of Albany (2019) raised no objection to the clearing permit application, however, advised that a 100 to 150 metre wide Asset Protection Zone around the habitable structure would suffice and not all of the native vegetation within the application area was required to be cleared for fire management purposes.

The clearing permit application was advertised on the Department of Water and Environmental Regulation's website on 31 January 2019, inviting submissions from the public within a 14 day period. The clearing permit application was re-advertised on 12 March 2019 due to a modification to the application area, inviting submissions from the public within a 7 day period. One submission was received during this period, raising concerns over the lack of biological information on the application area. A targeted flora survey report provided by the applicant during the assessment process of the clearing permit application was deemed to be sufficient for the requirements of the assessment. Based on the information provided, the Delegated Officer determined that the application is not likely to result in unacceptable environmental impacts.

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

4. References

- City of Albany (2019) Comments on clearing permit application CPS 8328/1. Received 27 February 2019 (DWER ref: A1768630).
- 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 February 2019.
- Department of the Environment, Water, Heritage and the Arts (2008) Approved Conservation Advice for *Drakaea micrantha* (Dwarf Hammer-orchid). Canberra: Department of the Environment, Water, Heritage and the Arts. Available from: <http://www.environment.gov.au/biodiversity/threatened/species/pubs/81853-conservation-advice.pdf>.
- Department of Primary Industries and Regional Development (DPIRD) (2019) Advice on land degradation impacts associated with CPS 8328/1. Received 7 March 2019 (DWER ref: A1770221).
- Government of Western Australia (2018) 2018 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of March 2019. WA Department of Biodiversity, Conservation and Attractions, 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.
- Sandiford (2019) Targeted flora survey Lot 11 Plan 63323 Marbelup, City of Albany. Report prepared by Libby Sandiford, October 2019 (DWER ref: A1837663).
- Shepherd, D.P., Beeston, G.R. and Hopkins, A.J.M. (2001) Native Vegetation in Western Australia, Extent, Type and Status. Resource Management Technical Report 249. Department of Agriculture, Western Australia.
- Western Australian Herbarium (1998-) Florabase – The Western Australian Flora. Department of Biodiversity, Conservation and Attractions. <http://florabase.dpaw.wa.gov.au/> (accessed February 2019).

5. GIS databases

- Aboriginal sites of significance
- Black cockatoos
- Conservation areas
- Flora – WAHerb and TPFL
- Hydrography, Linear
- Pre-European Vegetation
- Remnant Vegetation
- Threatened and Priority Ecological Communities