

CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number: CPS 8388/1

Permit Holder: City of Bunbury

Duration of Permit: 10 June 2019 to 10 June 2024

The Permit Holder is authorised to clear native vegetation subject to the following conditions of this Permit.

PART I - CLEARING AUTHORISED

1. Purpose for which clearing may be done

Clearing for constructing a playground, waterpark and bicycle lanes

2. Land on which clearing is to be done

Estuary Drive road reserve (PIN 1297729), Pelican Point Lyons Cove road reserve (PIN 1305220), Bunbury Lot 3002 on Plan 65163, Bunbury Washington road reserve (PINs 1301072 and 1154633), Withers South Western Highway road reserve (1297033), Davenport

3. Area of Clearing

The Permit Holder must not clear more than 24 native trees within the area cross hatched yellow on attached Plans 8388/1a, 8338/1b, 8338/1c, 8388/1d and 8388/1e.

4. Application

This Permit allows the Permit Holder to authorise persons, including employees, contractors and agents of the Permit Holder, to clear native vegetation for the purposes of this Permit subject to compliance with the conditions of this Permit and approval from the Permit Holder.

5. Type of clearing authorised

This Permit authorises the Permit Holder to clear native vegetation for the activities described in condition 1 of this Permit to the extent that the Permit Holder has the power to carry out works involving clearing for those activities under the *Local Government Act 1995* or any other written law.

PART II - MANAGEMENT CONDITIONS

6. 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.

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7. Weed and dieback 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 known *weed* and *dieback*-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.

8. Western Ringtail Possum Management

- (a) In relation to the area cross-hatched yellow on attached Plan 8388/1b, 8388/1c and 8388/1d, 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 8(a) above are identified until either:
 - (i) the western ringtail possum(s) individual has been removed by a fauna specialist; or
 - (ii) the western ringtail possum(s) individual has moved on from that area to adjoining suitable habitat.
- (c) Any western ringtail possum (*Pseudocheirus occidentalis*) individuals removed in accordance with condition 8(b)(i) of this Permit must be relocated by a fauna specialist to suitable habitat.
- (d) Where fauna is identified under condition 8(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) the number of individuals removed and relocated;
 - (v) the date each individual was removed;
 - (vi) the date each individual was relocated;
 - (vii) the location where each individual was relocated to, recorded using a GPS unit set to GDA94, expressing the geographical coordinates in Eastings and Northings or decimal degrees; and (viii) details pertaining to the circumstances of any death of, or injury sustained by, an individual.

PART III - RECORD KEEPING AND REPORTING

9. 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 6 of this Permit;
- (e) actions taken to minimise the risk of the introduction and spread of weeds and dieback in accordance with condition 7 of this Permit; and
- (f) activities in relation to condition 8 of this Permit.

8. Reporting

The Permit Holder must provide to the CEO the records required under condition 9 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;

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;

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

Samara Rogers MANAGER

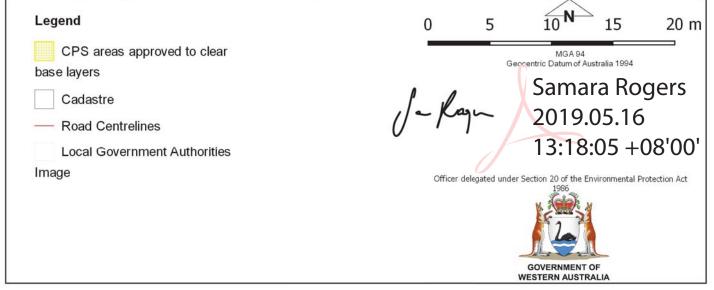
NATIVE VEGETATION REGULATION

Officer delegated under Section 20 of the Environmental Protection Act 1986

16 May 2019

Plan 8388/1(a)



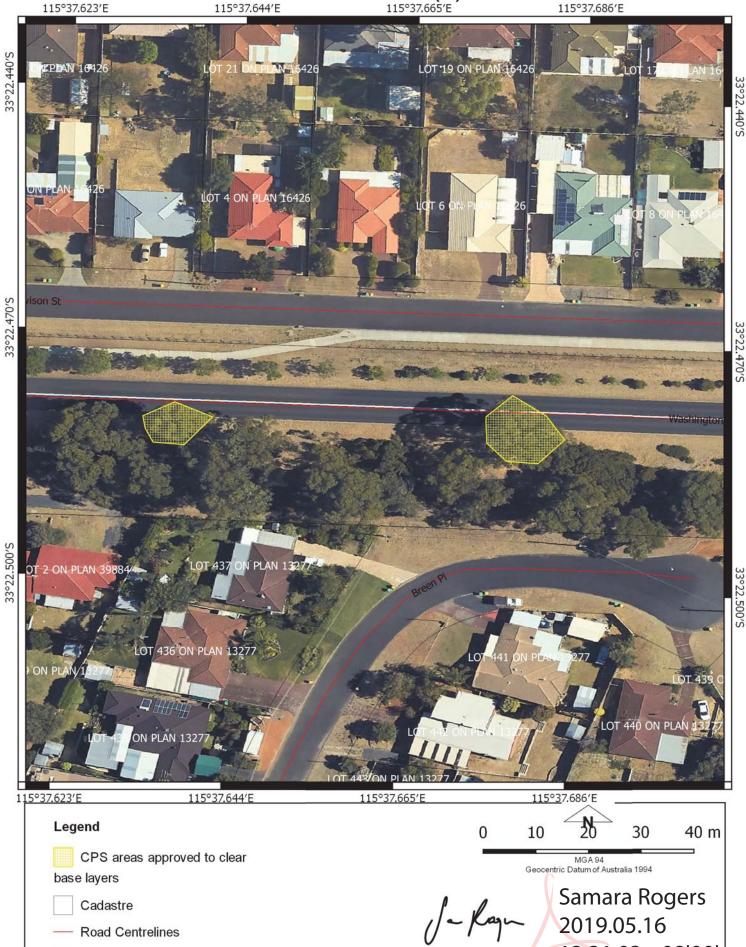


Plan 8388/1(b) 115°38.670′E 33°19.320'S LOT 879 ON PLAN 193890 LOT 752 ON PLAN 218454 115°38.670′<u>E 33°19.410′S</u> 115°38.640′E 10 40 m MGA 94 Geogentric Datum of Australia 1994 Samara Rogers 2019.05.16 13:23:46 +08'00' Officer delegated under Section 20 of the Environmental Protection Act





Plan 8388/1(c)



Local Government Authorities

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GOVERNMENT OF
WESTERN AUSTRALIA

Plan 8388/1(d) 115°38.232′E 115°38.169'E 115°38.190′E 115°38.253′E 33°22.440'S LOT 3001 ON PLAN 43554 33°22.470'S ON PLAN 20389 33°22.500'S 1 ON PLAN 20389 LOT 802 ON PLAN 65631 Tuxford Fawy 33°22.530'S 115°38.169′E 115°38.190′E 20^N 10 40 m Legend MGA 94 Geocentric Datum of Australia 1994 CPS areas approved to clear base layers Samara Rogers Cadastre 2019.05.16 Road Centrelines 13:22:16 +08'00' Local Government Authorities Image Officer delegated under Section 20 of the Environmental Protection Act

GOVERNMENT OF WESTERN AUSTRALIA

Plan 8388/1(e) 115°40.118′E 115°40.123′E 115°40.133′E 115°40.138'E 33°21.432'S 33°21.437'S South Western H 33°21.442'S 33°21.446'S 33°21.451'S 33°21.451'S 115°40.118′E 115°40.123'E 0 2.5 7.5 10 m Legend MGA 94 Geocentric Datum of Australia 1994 CPS areas approved to clear base layers Samara Rogers Cadastre 2019.05.16 Road Centrelines 13:19:49 +08'00' Local Government Authorities Image Officer delegated under Section 20 of the Environmental Protection Act GOVERNMENT OF WESTERN AUSTRALIA



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

8388/1 Permit application No.:

Permit type: Purpose Permit

1.2. Applicant details

City of Bunbury Applicant's name: 28 February 2019 Application received date:

1.3. Property details

ROAD RESERVE - 1301072, WITHERS **Property:**

> ROAD RESERVE - 1154633, WITHERS ROAD RESERVE - 1297729, PELICAN POINT ROAD RESERVE - 1297003, DAVENPORT LOT 3002 ON PLAN 65163, BUNBURY ROAD RESERVE - 1305220, BUNBURY

Local Government Authority:

BUNBURY, CITY OF

Localities: WITHERS and DAVENPORT and BUNBURY and VITTORIA and USHER

1.4. Application

Clearing Area (ha) No. Trees Method of Clearing Purpose category:

Mechanical Removal Recreation

1.5. Decision on application

Decision on Permit Application: Grant

Decision Date: 16 May 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 varaince to principle (b) and is not likely to be at variance to the remaining principles.

The Delegated Officer determined that some of vegetation is associated with a wetland. Given the completely degraded (Keighery, 1994) condition and the relatively small clearing extent at these areas, the proposed clearing is not considered to be signficant.

Through the assessment it was determined that the application area may comprise of suitable habitat for western ringtail possums. To minimise the direct impact to individual western ringtail possums, a fauna management condtion requring a fauna spotter to check the trees within Areas 2 and 3 prior to clearing, to ensure that if any individual western ringtail possums are located they are able to safely disperse or are taken to the appropriate carers.

In determining to grant a clearing permit subject to conditions, the Delegated Officer determined that potential impacts to fauna species can be adequatly minimised and/or avoided by imposing fauna mangement measures and that the proposed clearing is unlikely to lead to an unacceptable rsik to the environment.

2. Site Information

Clearing Description The application is to clear three native trees at Estuary Drive road reserve (PIN 1297729),

Pelican Point, 10 native trees at Lyons Cove road reserve (PIN 1305220) and Lot 3002 on Plan 65163, Bunbury, eight native trees at Washington road reserve (PINS 1301072 and 1154633), Withers and three native trees at South Western Highway road reserve (PIN 1297033), Davenport, for the purpose of constructing a waterpark and playground

and bicycle lanes (Figures 1-5).

Vegetation Description The application area has been mapped within the following Swan Coastal Plain

(previously Heddle) vegetation complexes (Heddle et al, 1980):

Area 1: Yoongarillup Complex which is described as "Woodland to tall woodland of Eucalyptus gomphocephala (Tuart) with Agonis flexuosa in the second storey. Less consistently an open forest of Eucalyptus gomphocephala (Tuart) - Eucalyptus marginata (Jarrah) - Corymbia calophylla (Marri). South of Bunbury".

CPS 8388/1, 16 May 2019 Page 1 of 6 Area 2: Vasse Complex which is described as "Mixture of the closed scrub of *Melaleuca* species fringing woodland of *Eucalyptus rudis* (Flooded Gum) - *Melaleuca* species and open forest of *Eucalyptus gomphocephala* (Tuart) - *Eucalyptus marginata* (Jarrah) - *Corymbia calophylla* (Marri)".

Area 3: Karrakatta Complex-Central and South which is described as "Predominantly open forest of *Eucalyptus gomphocephala* (Tuart) - *Eucalyptus marginata* (Jarrah) - *Corymbia calophylla* (Marri) and woodland of *Eucalyptus marginata* (Jarrah) - *Banksia* species".

Area 4: Southern River Complex which is described as "Open woodland of *Corymbia calophylla* (Marri) - *Eucalyptus marginata* (Jarrah) - *Banksia* species with fringing woodland of *Eucalyptus rudis* (Flooded Gum) - *Melaleuca rhaphiophylla* (Swamp Paperbark) along creek beds".

Photographs provided by the applicant identified the following vegetation types:

Area 1: three juvenile *Eucalyptus grandis* (flooded gum) trees (Figure 6).

Area 2: scattered *Casuarina sp.*, and *Eucalyptus marginata* (jarrah) within a parkland cleared area (Figure 7-9).

Area 3: one juvenile *Agonis flexuosa* (peppermint tree) and seven *Eucalyptus sp.*, (Tuart and flooded gum) trees (Figure 10-14).

Area 4: two Eucalyptus marginata and one juvenile Banksia sp. (Figure 15-16).

Vegetation Condition

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 Type

The application area has been mapped in the following soil types (Schoknecht et al., 2004):

Area 1: Vasse Disturbed, landfill Phase, which is described as "landfill, disturbed soils".

Area 2: Quindalup South Qf2 Phase, which is described as "Relict foredunes and gently undulating beach ridge plain with deep uniform calcareous sands".

Area 3: Spearwood S1a Phase, which is described as "Dune ridges with shallow to moderately deep siliceous yellow-brown sands, very common limestone outcrop and slopes up to 15%";

Spearwood S4a Phase, which is described as "Flat to gently undulating sandplain with deep, pale and sometimes bleached, sands with yellow-brown subsoils"; and Spearwood S4c Phase, which is described as "Flat to gently undulating sandplain with deep, yellow-brown or dark brown siliceous sands that are seasonally inundated".

Area 4: Bassendean B2 Phase, which is described as "Flat to very gently undulating sandplain with well to moderately well drained deep bleached grey sands with a pale yellow B horizon or a weak iron-organic hardpan 1-2 m".

Comments

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

Vegetation condition confirmed through photographs supplied by the applicant (City of Bunbury, 2019).

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Figure 1: Area 1 hatched in blue



Figure 3: Area 3 hatched in blue



Figure 2: Area 2 hatched in blue



Figure 4: Area 3 hatched in blue



Figure 5: Area 4 hatched in blue



Figure 6: Area 1: Flooded gum

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Figure 7: Area 2: Casuarina sp., and Eucalyptus sp.





Figure 9: Area 2: Eucalyptus sp.



Figure 10: Area 3: *Eucalyptus sp.*, trees that are representative of all trees within Area 3.



Figure 11: Area 3: Peppermint tree



Figure 12: Area 3: *Eucalyptus sp.*, trees that are representative of all trees within Area 3.

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3. Assessment of application against clearing principles

According to available databases, nine threatened flora and 30 priority flora have been recorded within the local area. Noting that the vegetation condition within the four areas are completely degraded (Keighery, 1994), the lack of understorey present and the fact that these flora species are understorey species, the flora species above, are not likely to occur within the application areas.

According to available databases, 10 threatened terrestrial fauna species, and seven priority terrestrial fauna species have been recorded within the local area (Department of Biodiversity, Conservation and Attractions, 2007-). From these, forest red-tailed black cockatoo (*Calyptorhynchus banksii subsp. naso*), Baudin's black cockatoo (*Calyptorhynchus baudinii*), Carnaby's black cockatoo (*Calyptorhynchus latirostris*) and western ringtail possum (*Pseudocheirus occidentalis*) may occur within the application area, particularly within Area 3.

Carnaby's black cockatoo and Baudin's black cockatoo are listed as endangered and forest red-tailed black cockatoo is listed as vulnerable under the *Environment Protection Biodiversity Conservation Act 1999* (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 karris, marri, wandoo, tuart, salmon gum, jarrah, flooded gum, York gum, powder bark, bullich and 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 sp., Hakea sp., and Grevillea sp., (Commonwealth of Australia, 2012).

Photographs provided by the applicant (City of Bunbury, 2019) and advice provided by the Department of Biodiversity, Conservation and Attractions (DBCA) (2019) indicate that the application areas are not likely to be used by black cockatoo species for both breeding and foraging. Given this, and the relatively small application area (a total of 24 trees = approx. 0.24ha), the application area is unlikely to comprise of significant foraging and breeding habitat for black cockatoos.

The application area comprises of one *Agonis flexuosa* (peppermint tree), *Eucalyptus gomphocephala* (tuart) and *Eucalyptus grandis* (flooded gum) within Area 3, which are favourable habitat for the western ringtail possum (WRP). According to advice provided by DBCA (2019), these trees may act as supporting habitat for WRP. In terms of Area 2, DBCA advise that there is a possibility that WRPs may be occupying this vegetation in lieu of limited native habitat. To minimize the possible impacts to WRP at these two areas, a fauna management condition has been included on the clearing permit, requiring the presence of a fauna spotter at the time of clearing to ensure that any individual WRP are able to safely disperse or are taken to the appropriate carers. This will help mitigate direct impacts to WRP individuals.

The proposed clearing is unlikely to impact any fauna within Areas 1 and 4 (DBCA, 2019).

According to available databases, five threatened ecological communities (TEC) and two priority ecological communities (PEC) have been mapped within the local area. The Commonwealth-listed TEC, "Banksia Dominated Woodlands of the Swan Coastal Plain IBRA Region" (listed as endangered) has been mapped within Area 3 and Area 4. Noting the key diagnostic characteristics of this TEC, and noting that only three trees are proposed to be cleared within Area 4 and one tree is proposed to be cleared within Area 3, vegetation within these areas are not representative of this TEC. The state-listed PEC "Shrublands on calcareous silts of the Swan Coastal Plain" occurs approximately 283 metres northeast of the application area. The remaining PEC and TECs occurs greater than 1040 metres from the application area. Noting the vegetation composition of these TECs and PECs, the vegetation occurring within application area, the extent of clearing (a total of 24 trees = approx. 0.24ha), and the completely degraded (Keighery, 1994) condition, the application area does not comprise the whole or a part of, or is necessary for the maintenance of a TEC.

The National Objectives and Targets for Biodiversity Conservation include a target to prevent 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 falls within the Swan Coastal Plain Interim Biogeographic Regionalisation of Australia (IBRA) bioregion, retaining 38.57 per cent. Area 1 is mapped as the Yoongarillup vegetation complex, Area 2 is mapped as the Vasse vegetation complex, Area 3 is mapped as the Karrakatta Complex-Central and South vegetation complex and Area 4 is mapped as the Southern River vegetation complex, retaining 35.55 per cent, 31.41 per cent, 23.48 per cent and 18.42 per cent, respectively (Government of Western Australia, 2018a; Government of Western Australia, 2018b).

Despite the vegetation complexes in Areas 3 and 4 being below the threshold, provided that only eight and three trees are proposed to be cleared at each location, and the completely degraded condition of the vegetation, it is unlikely that the proposed clearing will have a significant impact on these vegetation complexes. Given the above, and that these areas do not contain significant habitat for fauna or flora, the application area is not considered a significant remnant in an area that has been extensively cleared.

According to available databases, Area 1 and Area 3 are mapped within a multiple use wetland, therefore the application area is growing in or is association with an environment associated with a watercourse or wetland. According to the Water and Rivers Commission (2001), multiple use wetlands are wetlands with few important ecological attributes and functions remaining. Given the vegetation is associated with a wetland the proposed clearing is at variance to principle (f). Given the completely degraded (Keighery, 1994) condition and the relatively small clearing extent at these areas, the proposed clearing is not considered significant.

According to available databases, six conservation areas have been mapped within the local area. The closest conservation area is an un-named section 5(1)(h) reserve, located approximately 524 metres east of the application area. Given that there are multiple roads between this conservation area and the application area, the proposed clearing is unlikely to have an impact on the environmental values of any adjacent or nearby conservation area.

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According to available databases, Areas 1 and 2 have a relatively low likelihood of wind and water erosion risk, flood risk, waterlogging risk and salinity risk. Soils within Area 3 have been mapped as having a moderate to high wind and water erosion risk, (30-50% of map unit has a high to extreme wind erosion risk, >70% of map unit has a high to extreme water erosion risk), a moderate salinity risk (30-50% of map unit has a moderate to high salinity risk or is presently saline), and a high waterlogging risk (>70% of map unit has a moderate to very high waterlogging risk). However, given that only eight trees are proposed to be cleared in a completely degraded (Keighery, 1994), condition, it is unlikely that the proposed clearing will increase the risk of wind and water erosion, salinity and waterlogging.

Soils within Area 4 have been mapped as having a high wind erosion risk (>70% of map unit has a high to extreme wind erosion risk). Given that only three trees are being proposed to be cleared and that there is substantial amount of vegetation behind these trees, the proposed clearing is unlikely to cause further erosion. Given the above, the application area is unlikely to cause appreciable land degradation, cause deterioration in the quality of surface or underground water or is likely to cause, or exacerbate, the incidence or intensity of flooding.

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

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

The application area falls within the Bunbury Groundwater Area as proclaimed under the *Rights in Water and Irrigation 1914*. The City of Bunbury have confirmed that the City will not be extracting any groundwater for the waterpark. The water source will be reticulated water from Acquest mains.

An email was sent to the City of Bunbury on 8 April 2019 informing them that in accordance with the *Biodiversity Conservation Act 2016* (BC Act), an application to the Minister for authorisation under section 45 of the BC Act will need to be submitted to the Department of Biodiversity, Conservation and Attractions (DBCA). The City of Bunbury sent an email on 16 April 2019 stating that they got in contact with DBCA who have advised that an application to the Minister for authorisation is not required in this instance.

The clearing permit application was advertised on the DWER website on 2 April 2019 with a 14 day submission period. One public submission was received in relation to this application.

Submission one objects to the clearing for the following reasons (summarised):

- Species and size of trees were not specified by the proponent:
- Inadequate information has been provided and thus the proponent should be requested to provide more data;
- If DWER has undertaken and assessment, then this information should be publically advertised; and
- DWER should request the proponent to gather and provide data on tree species, dimension and fauna function prior to
 evaluating the application to clear.

Once the Delegated Officer has made a final decision on the clearing permit application, the decision report and corresponding plans and permit are publically advertised on DWER's website. The submitters remaining concerns have been addressed in the assessment against the clearing principles.

4. References

Commonwealth of Australia (2009) Significant impact guidelines for the vulnerable western ringtail possum (*Pseudocheirus occidentalis*) in the southern Swan Coastal Plain, Western Australia, Government of Australia.

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.

City of Bunbury (2019) Photographs of the application area, City of Bunbury, Western Australia DWER A1783080. 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/. Access March 2019.

Department of Biodiversity, Conservation and Attractions (DBCA), Regional Advice received 1 May 2019, Department of Biodiversity, Conservation and Attractions. DWER A1784923.

Government of Western Australia (2018a) Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of December 2017. WA Department of Biodiversity, Conservation and Attractions.

Government of Western Australia (2018b) 2017 South West Vegetation Complex Statistics. Current as of October 2017. WA Department of Biodiversity, Conservation and Attractions.

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 Nature Resources, Darling System, Western Australia

Keighery, B.j. (1994) Bushland Plan 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

Water and Rivers Commission (2001) Position Statement: Wetlands, Water and Rivers Commission, Perth.

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