



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 8420/1
Permit Holder:	Amber Cloud Pty Ltd
Duration of Permit:	10 July 2019 to 10 July 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 the purpose of fence line replacement.

2. Land on which clearing is to be done

Lot 101 on Deposited Plan 406419, Wilyabrup

Lot 303 on Deposited Plan 49922, Gracetown

3. Area of Clearing

The Permit Holder must not clear more than 0.01 hectares of native vegetation within the area hatched yellow on attached Plan 8420/1.

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.

PART II – MANAGEMENT CONDITIONS

5. 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:

- avoid the clearing of native vegetation;
- minimise the amount of native vegetation to be cleared; and
- reduce the impact of clearing on any environmental value.

6. 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*:

- clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- ensure that no *dieback* or *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared; and
- restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

PART III - RECORD KEEPING AND REPORTING

7. **Records must be kept**

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 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 5 of this Permit; and
- (e) actions taken to minimise the risk of the introduction and spread of *weeds* and *dieback* in accordance with condition 6 of this Permit.

8. **Reporting**

The Permit Holder must provide to the *CEO* the records required under condition 7 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) 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.



Mathew Gannaway
MANAGER
NATIVE VEGETATION REGULATION






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

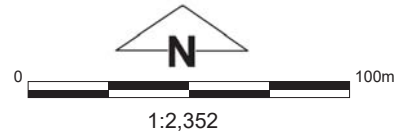
10 June 2019

Plan 8420/1



Legend

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



(Approximate when reproduced at A4)

GDA 94 (Lat/Long)

Geocentric Datum of Australia 1994

ME-6 Date 10 June 2019
 Mathew Gannaway

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



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 WESTERN AUSTRALIA
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1. Application details

1.1. Permit application details

Permit application No.: 8420/1
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: Amber Cloud Pty Ltd
Application received date: 18 March 2019

1.3. Property details

Property: Lot 303 on Deposited Plan 49922, Gracetown
Lot 101 on Deposited Plan 406419, Wilyabrup
Local Government Authority: City of Busselton
Localities: Gracetown and Wilyabrup

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
0.01		Mechanical Removal	Fence line replacement

1.5. Decision on application

Decision on Permit Application: Granted
Decision Date: 10 June 2019

Reasons for Decision: The clearing permit application was received on 18 March 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 may be at variance to principle (h), and is not likely to be at variance to any of the remaining clearing principles.

The Delegated Officer determined that the application area is located on the boundary of the Leeuwin-Naturaliste National Park. The proposed clearing may increase the risk of weeds and dieback spreading into this conservation area. To mitigate these impacts, a condition has been placed on the permit requiring the implementation of weed and dieback hygiene measures.

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 0.01 hectares of native vegetation within the land parcels described above for the purpose of fence line replacement (figure 1).

Vegetation Description The application area intersects two mapped South West Forests vegetation complexes, described as:

- **Gracetown (GE):** Closed heath of *Olearia axillaris-Rhagodia baccata-Agonis flexuosa* on seaward slopes in hyperhumid to humid zones; and
- **Cowaramup (Cr):** Woodland of *Corymbia calophylla-Eucalyptus marginata* subsp. *marginata-Agonis flexuosa*, woodland of *Banksia littoralis* and closed heath on rocky slopes in hyperhumid and perhumid zone (Mattiske and Havel, 1998).

Vegetation Condition The vegetation within the application area was determined upon review of aerial imagery and supporting information provided by the applicant (Amber Cloud Pty Ltd, 2019). The vegetation within the application area was determined as being in a completely degraded to degraded (Keighery, 1994) condition, described on the Keighery scale as:

- **Degraded:** Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994); 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 type The application area intersects two soil types mapped by the Department of Primary Industries and Regional Development, described as:

- **Gracetown exposed slopes Phase** subsystem is described as moderate slopes (gradients 10-15%) on the west coast exposed to prevailing wind directly off the ocean, with deep and shallow yellow brown siliceous sands over limestone (i.e. Spearwood Sands); and
- **Cowaramup rocky gentle slopes Phase** subsystem is described as flats and gentle slopes (0-5% gradient) with shallow rocky soils and some granitic outcrop (Schoknecht et al., 2004).

Comments

The local area is defined as a 10 kilometre radius from the application area.

A review of available databases has determined that the local area (excluding the area outside the coastal watermark) surrounding the application area, retains approximately 41.7 per cent (7472 hectares) of its pre-European clearing extent.



Figure 1: Application area shown in blue

3. Minimisation and mitigation measures

The applicant has requested that the contractor who will be undertaking the proposed works clear the minimal amount of area to replace the fence line and that all machinery will operate on the applicant's side of the fence rather than within the crown reserve 8428 (Leeuwin-Naturaliste National Park) (Amber Cloud Pty Ltd, 2019).

Assessment of application against clearing principles

Given the minimal amount of clearing proposed, the degraded to completely degraded (Keighery, 1994) condition of the vegetation that comprises of a weedy understorey, the application area is not likely to contain any threatened or priority flora species and does not resemble vegetation associated with a priority ecological community or a threatened ecological community. Therefore, the application area is not likely to comprise of a high level of biological diversity.

The applicant advised in their application that the application area comprises primarily of saw grass and that there are no native trees proposed to be cleared (Amber Cloud Pty Ltd, 2019). Given this, the application area is not likely to provide significant foraging or breeding habitat for conservation significant fauna recorded within the local area.

The application area occurs within the boundary line of the Leeuwin-Naturaliste National Park. The applicant has approval from the Department of Biodiversity, Conservation and Attractions to clear up to 1.5 metres within the conservation area for the proposed fence line replacement (Amber Cloud Pty Ltd, 2019). The proposed clearing is not likely to significantly impact upon this conservation area, however, the clearing may result in increased weed invasion and dieback spreading into the national park through increased edge effects. Weed and dieback mitigation measures will assist in mitigating this risk.

As the application area retains more than 30 per cent of its pre-European clearing extent, and given the degraded to completely degraded (Keighery, 1994) condition of the vegetation within the application area, the small size of the proposed clearing and the lack of conservation significant flora and fauna, the proposed clearing is not likely to be considered a significant remnant within an extensively cleared area (Government of Western Australia, 2019).

No watercourses or wetlands have been mapped within the application area.

Noting the extent of the proposed clearing and the condition of the vegetation within the application area, the proposed clearing is not likely to exacerbate or contribute to land degradation, deteriorate the quality of ground water, or cause or exacerbate flooding.

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

The application area falls within a Native Title Claimant area. The claimants, the Single Noongar Claim (Area 2), South West Boorarah #2 people and Harris Family, and their representing bodies, Clayton Utz Lawyers and Roe Legal Services Pty Ltd, have been notified of this application. To date, no comments have been received in regards to the application.

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

The clearing permit application was advertised on the Department of Water and Environmental Regulation's website on 09 April 2019 with a 14 day submission period. No public submissions have been received in relation to this application.

4. References

- Amber Cloud Pty Ltd (2019) Application and supporting documentation provided for clearing permit application CPS 8420/1. Amber Cloud Pty Ltd. (DWER Ref: A1773403).
- Government of Western Australia. (2019) 2018 South West Vegetation Complex Statistics. Current as of March 2019. WA Department of Biodiversity, Conservation and Attractions, Perth, <https://catalogue.data.wa.gov.au/dataset/dbca>
- 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.

GIS Databases:

- Aboriginal Sites of Significance
- Department of Biodiversity, Conservation and Attractions, Tenure
- Hydrography, COG Hydro
- Hydrography, General Hydro
- Hydrography, SLIP Hydro
- Hydrography, Waterbodies
- Hydrography, Wetlands
- SAC bio datasets
- TPFL Data March 2019
- WAHerb Data March 2019
- WA TEC PEC Boundaries