



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 8630/1
Permit Holder:	Satterley Brookside Pty Ltd
Duration of Permit:	From 23 December 2019 to 23 December 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 installing a sewer.

2. Land on which clearing is to be done

Rose Street reserve (PIN 11727341), Upper Swan.

3. Area of Clearing

The Permit Holder must not clear more than 0.1 hectares of native vegetation within the area cross-hatched yellow on attached Plan 8630/1.

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 known 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. Record keeping

The Permit Holder must maintain the following records for activities done pursuant to this Permit:

- (a) In relation to the clearing of native vegetation authorised under this Permit:
 - (i) 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;
 - (ii) the date(s) that the area was cleared;
 - (iii) the size of the area cleared (in hectares);
 - (iv) actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 5 of this Permit; and
 - (v) actions taken to minimise the risk of the introduction and spread of *dieback* and *weeds* in accordance with condition 6 of this Permit.

8. Reporting

The Permit Holder must produce the records required under condition 7 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;

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.



Samara Rogers
MANAGER
NATIVE VEGETATION REGULATION






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

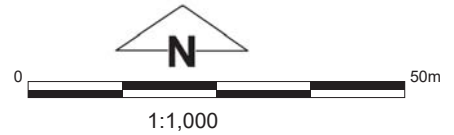
25 November 2019

Plan 8630/1



Legend

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



(Approximate when reproduced at A4)
GDA 94 (Lat/Long)

Geocentric Datum of Australia 1994

Samara Rogers

2019.11.25 13:59:51

+08'00'

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



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WESTERN AUSTRALIA
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Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 8630/1
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: Satterley Brookside Pty Ltd
Application received date: 30 July 2019

1.3. Property details

Property: ROAD RESERVE - 11727341, UPPER SWAN
Local Government Authority: SWAN, CITY OF
Localities: UPPER SWAN and THE VINES

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
0.1		Mechanical Removal	Waste disposal/management

1.5. Decision on application

Decision on Permit Application: Grant

Decision Date: 25 November 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 with principle (f), may be at variance with principle (h) and is not likely to be at variance with the remaining clearing principles.

The Delegated Officer notes that the proposed clearing may indirectly impact on the environmental values of a bush forever site through the introduction or spread of weeds and dieback. To address this matter, the clearing permit contains a condition requiring the Permit Holder to implement weed and dieback management measures.

In determining to grant a clearing permit the Delegated Officer determined that the proposed clearing is not likely to have any significant environmental impacts.

2. Site Information

Clearing Description The application is to clear 0.1 hectares within the road reserve on Rose Street (PIN 11727341), Upper Swan, for the purpose of installing a sewer (Figure 1).

Vegetation Description The application area is mapped Swan Coastal Plain vegetation complex – Guilford complex 2, which is described as a mixture of open forest to tall open forest of *Corymbia calophylla* (Marri) - *Eucalyptus wandoo* (Wandoo) - *Eucalyptus marginata* (Jarrah) and woodland of *Eucalyptus wandoo* (Wandoo) (with rare occurrences of *Eucalyptus lane-poolei* (Salmon White Gum). Minor components include *Eucalyptus rudis* (Flooded Gum) - *Melaleuca raphiophylla* (Swamp Paperbark) (Hedde *et al.*, 1980).

Vegetation Condition Completely Degraded; No longer intact, completely/almost completely without native species (Keighery, 1994).

The condition of the vegetation within the application was determined via a site inspection undertaken by Department of Water and Environmental Regulation officers (DWER, 2019a)



Figure 1: The application area is hatched blue. The white line indicates the course of Ellen Brook. The text box and arrows indicate where the below photos were taken.



Photo 1: Application area facing west

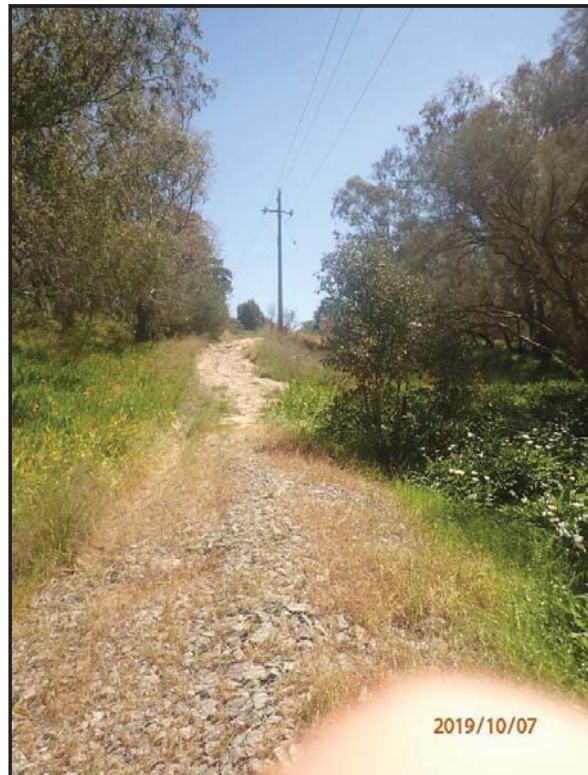


Photo 2: Application area facing east.

3. Minimisation and mitigation measures

To install the sewer, open trenches are to be excavated either side of Ellen Brook along Rose Street, Upper Swan, within the application area (see Figure 1). To avoid impacts to riparian vegetation and the waterway, the sewer crossing will be bored under Ellen Brook (Strategen-JBS&G, 2019).

4. Assessment of application against clearing principles

The application is to clear 0.1 hectares of native vegetation within Rose Street, Upper Swan, for the purpose of installing a sewer.

A DWER (2019a) site inspection identified that vegetation surrounding the application area comprises of swamp sheoak (*Casuarina Obesa*), flooded gum (*Eucalyptus rudis*), paperbark (*Melaleuca preissiana*) and swamp paperbark (*Melaleuca rhapsiophylla*). The vegetation within the application area comprises minimal native vegetation in a completely degraded (Keighery, 1994) condition (DWER, 2019a).

The application area is mapped as a palusplain wetland and a floodplain (Multiple Use wetlands). The wetland's ecosystem, however, no longer exists, being cleared for agriculture. The closest watercourse to the application area is the minor river, Ellen Brook, which is mapped 25 metres from the application area. Although native vegetation was not identified within the application area, the trench digging may sever roots of nearby melaleuca species, which are growing in association with the watercourse. Considering the high water table in this area, this is unlikely to cause substantial damage to these trees (DWER, 2019a). Given the mapped wetland the proposed clearing is at variance with principle (f). Noting the degraded nature and the minimal native vegetation within the application, the impacts are not likely to significantly impact on riparian vegetation.

The application area is within Bush Forever Site 300. Although it is unlikely that native vegetation will be directly impacted by the installation of the sewer, there may be indirect impacts on the conservation values of this site from the spread of weeds and dieback. Weed and dieback management measures will assist in mitigating impacts to this bush forever site.

Giving the relatively small size of the applied clearing (0.1 hectares), is unlikely to contribute to or cause land degradation, deteriorate the quality of ground water or surface water and is not likely to cause or exacerbate flooding.

As the application area is in a completely degraded (Keighery, 1994) condition it is not likely to contain high biodiversity, significant foraging habitat, threatened or priority flora, a threatened ecological community, or is it considered to be a significant remnant.

The assessment has found that the proposed clearing is at variance with principle (f), may be at variance with principle (h) and is not likely to be at variance with the remaining clearing principles.

Planning instruments and other relevant matters.

The clearing application is for the purpose of a sewer crossing, to serve and enable the proposed Upper Swan urban development (Strategen-JBS&G 2019).

The application area is not zoned, but is surrounded by areas zoned as general rural and residential development under the town planning scheme.

DWER's Swan Avon Region advised the proponent may need a licence to take water for dewatering purposes for the sewer trenching and may require a permit to interfere with bed and banks (DWER, 2019b). It is recommended that the applicant contact the Swan Avon Region to determine if a permit or licence is required.

The City of Swan (2019) has no objection to the proposed clearing, provided the clearing is kept to a minimum and the applicant consults with the Ellen Brockman Integrated Catchment Group.

The proposed clearing is within an Aboriginal Site of Significance. It is the applicant's responsibility to ensure compliance with any obligations under the *Aboriginal Heritage Act 1972*.

As outlined above, the application area is within Bush Forever site 300. Under Clause 5.1.2.1 (i) (e) of SPP 2.8, proposals should support a general presumption against the clearing of regionally significant bushland or other degrading activities, except where a proposal or decision is consistent with the overall purpose and intent of the existing Crown reserve or can be reasonably justified with regard to wider environmental, social, economic or recreational needs, and all reasonable alternatives have been considered in order to avoid or minimise any direct loss of regionally significant bushland, and reasonable offset strategies are secured to offset any loss of regionally significant bushland, where appropriate and practical (WAPC, 2010). The Delegated Officer had regard for the extent of the proposed clearing and the avoid and minimisation measures proposed by the applicant (as outlined above) and determined that the proposed clearing of 0.1 hectares of native vegetation in a completely degraded condition, is not likely to have a significant environmental impact on Bush Forever site 300, and an offset is not required in this instance.

The clearing permit application was advertised on the DWER website on 3 September 2019 with a 21 day submission period. This application has received two public submissions.

The first submission recommended that the clearing be offset. Offsets are required when a clearing application is determined to be at variance with one or more of the biodiversity related clearing principles (principles (a) to (f) and (h)) and a significant residual impact remains despite mitigation measures. The assessment found that the proposed clearing is at variance with principle (f), may be at variance with principle (h) and is not likely to have a significant environmental impact. The Delegated Officer determined that offsets are not appropriate for the proposed clearing.

The second submission:

- recommended that the riparian vegetation be protected;
- was concerned that proposed sewer pipe may impede the flow of Ellen Brook; and
- opposed to any disturbance of the bank.

To avoid impacts to riparian vegetation and the waterway, the sewer crossing will be bored under Ellen Brook. The sewer crossing is not part of the application area. As mentioned in the assessment, there is a possibility that as the trench is dug the roots of nearby melaleucas may be severed. It is unlikely that this type of clearing will cause substantial damage to individual plants. The clearing proposed is unlikely to disturb the banks of Ellen Brook or its associated riparian vegetation.

5. References

- City of Swan (2019) Planning matters associated with clearing permit application CPS 8630/1 (DWER Ref: A1810393)
- Department of Water and Environment Regulation (DWER) (2019a) Site Inspection Report for Clearing Permit Application CPS 8630/1. Site inspection undertaken 7 October 2019 (DWER Ref: A1831431).
- Department of Water and Environment Regulation (DWER) (2019b) Water Licensing advice for Clearing Permit Application CPS 8630/1. 17 October 2019 (DWER Ref: A1833194).
- 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.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Strategen-JBS&G (2019) Supporting document for clearing permit application CPS 8630/1 (DWER Ref: A1810393)