



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: 8637/1
File Number: DWERT3148
Duration of Permit: From 28 February 2020 to 28 February 2022

PERMIT HOLDER

Trustees of Edmund Rice Education Australia – Aquinas College

LAND ON WHICH CLEARING IS TO BE DONE

Lot 503 on Plan 405933, Salter Point

AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 0.1776 hectares of native vegetation within the area hatched yellow on the attached Plan 8637/1.

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 known *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. 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 1 of this Permit; and
 - (v) actions taken to minimise the risk of the introduction and spread of *dieback* and *weeds* in accordance with condition 2 of this Permit.

4. Reporting

The Permit Holder must produce the records required under condition 3 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*

31 January 2020

Plan 8637/1

32.025203°S

32.025203°S

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115.863755°E








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Legend

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



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(Approximate when reproduced at A4)

GDA 94 (Lat/Long)

Geocentric Datum of Australia 1994

Samara Rogers

2020.01.31 12:39:51

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



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Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 8637/1
Permit type: Area Permit

1.2. Applicant details

Applicant's name: Trustees of Edmund Rice Education Australia - Aquinas College
Application received date: 7 August 2019

1.3. Property details

Property: LOT 503 ON PLAN 405933, SALTER POINT
Local Government Authority: CITY OF SOUTH PERTH
Localities: SALTER POINT

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
0.1776		Mechanical Removal	Building or structure

1.5. Decision on application

Decision on Permit Application: Grant

Decision Date: 31 January 2020

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*, and it has been concluded that the proposed clearing is at variance with principle (f), may be at variance with principles (b), (e) and (h), and not likely to be at variance with the remaining clearing principles.

The Delegated Officer had regard to the Approval to Commence Development issued by the Western Australian Planning Commission granted on 8 November 2019.

The assessment found that the vegetation within the application area is associated with the Swan-Canning River. Noting the small amount of clearing and conditions of the Development Approval granted by the Western Australian Planning Commission the proposed clearing is not likely to significantly impact riparian vegetation.

The assessment found that the vegetation comprises 0.051 hectares of Carnaby's Black Cockatoo foraging habitat. The Delegated Officer noted that this vegetation is degraded and likely to represent under 0.5 per cent of foraging habitat available in the immediate area.

Proposed clearing may indirectly impact on the conservation values of surrounding areas managed for conservation. In order to minimise potential impacts the clearing permit contains standard conditions for weed and dieback management.

The Delegated Officer determined that given the small area, the condition of the vegetation present, and minimisation and mitigation measures implemented, the proposed clearing is unlikely to have any further significant environmental impacts and is not likely to lead to an unacceptable risk to the environment.

Given the above, the Delegated Officer decided to grant a clearing permit subject to weed and dieback management, and avoid and minimise conditions.

2. Site Information

Clearing Description

The application is to clear 0.1776 hectares of native vegetation within Lot 503 on Deposited Plan 405933, Salter Point, for the purpose of upgrading a boatshed (Figure 1).

Vegetation Description

The application area is within the mapped Swan Coastal Plain vegetation complex Bassendean Complex-Central and South; which is described as Woodland to low woodland and sedgeland (Heddlé *et al.*, 1980). The application area was mapped by Strategen (2019) as:

- VT1: *Agonis flexuosa* low forest over *Jacksonia furcellata* open shrubland over *Cenchrus clandestinus*, *Bromus diandrus* and *Briza maxima* grassland;
- VT2: *Banksia menziesii*, *Allocasuarina fraseriana* and *Eucalyptus marginata* low woodland over *Kunzea glabrescens*, *Hakea prostrata* and *Xanthorrhoea preissii*

shrubland over *Hibbertia hypericoides*, *Acacia alata* var. *alata* and *Dasypogon bromeliifolius* low shrubland/ herbland; and

- Planted areas or cleared.

Vegetation Condition

The condition of the vegetation within the application area was determined by a vegetation and flora survey undertaken by Strategen (2019) as well as a subsequent site inspection undertaken by officers of the Department of Water and Environmental Regulation (DWER, 2019). Applying the condition scale of Keighery (1994) Vegetation condition varied from:

Degraded; Structure severely disturbed; regeneration to good condition requires intensive management;

to

Completely Degraded: No Longer intact; Completely/almost completely without native species and often described as parkland cleared (Keighery, 1994).

Comments

The local area is considered a ten kilometre radius of the application area.



Figure 1. The application area hatched blue.

3. Minimisation and mitigation measures

The applicant has reduced an initial clearing footprint surveyed by Strategen (2019) to avoid more than 50 per cent of the Banksia woodland in better condition within Lot 503 (that is, that closest to the Swan River) by utilising existing access to the Canning River as opposed to constructing new access. A Construction Environmental Management Plan will be developed and implemented by Aquinas College, with a commitment to revegetate areas nearby utilising species similar to the local area with the aim of providing foraging habitat for conservation species (Strategen 2019).

4. Assessment of application against clearing principles

The application is to clear 0.1776 hectares of native vegetation within Lot 503 on Deposited Plan 405933, Salter Point, for the purpose of upgrading a boatshed. A survey (including a reconnaissance survey) that included a vegetation and flora survey as well as a fauna and habitat assessment was undertaken by Strategen (2019), supplemented by a site inspection undertaken by officers of the Department of Water and Environmental Regulation (DWER, 2019).

The Strategen survey identified two vegetation types have been mapped over the application area (Strategen 2019); VT1 *Agonis flexuosa* (Peppermint) low forest and VT2 *Banksia menziesii*, *Allocasuarina fraseriana* and *Eucalyptus marginata* low woodland. Approximately 40.3 per cent of the application area is planted or cleared, with VT1 occurring over approximately 31 per cent (0.0550 hectares) and VT2 occurring over approximately 28.7 per cent (0.0510 hectares). The VT1 community is in a completely degraded (Keighery 1994) condition (Strategen 2019), with the VT2 community over the application area in a degraded condition (Strategen 2019; DWER 2019).

According to available databases, twenty priority flora taxa and two threatened flora taxa have been recorded within the local area (Western Australian Herbarium 1998). The nearest Priority flora taxa recorded was over one kilometre away, and the nearest Threatened taxa recorded over 4.5 kilometres away. None of these identified species were recorded within the application area during an on-site flora survey undertaken by Strategen (2019), or by a subsequent site assessment by DWER (2019) that also included the Strategen 2019 botanist. Strategen (2019) noted that the presence of the threatened flora *Caladenia huegelii* could not be ruled out as the original survey was conducted outside this species flowering period. The DWER (2019) site inspection was undertaken during the recognised flowering period of *Caladenia huegelii*, and no priority or Threatened flora taxa were recorded, and due to the degraded to completely degraded (Keighery, 1994) condition of the vegetation determined that no supporting habitat was available, and that *Caladenia huegelii* was not likely to occur within the application area.

The VT2 vegetation type is broadly analogous to the state-listed Priority Ecological Community (PEC) (P3) *Banksia dominated woodlands of the Swan Coastal Plain IBRA Region*, which has been mapped over the extreme eastern end of the application area and continues south-easterly along the Canning River. This community has also been listed as an endangered Threatened Ecological Community (TEC) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Criteria to qualify as the TEC have been developed by the Commonwealth of Australia (No Date) and the TSSC (2016). Strategen (2019) assessed a larger patch of VT2 vegetation type than that occurring solely within the application area. That larger patch recorded an inadequate coverage of Very Good quality vegetation (with a minimum patch size of one hectare) for it to meet the key diagnostic criteria to be considered part of the TEC. A subsequent site assessment by DWER (2019) confirmed this conclusion. The understorey of the VT2 vegetation type over the application area was assessed as Degraded and comprised aggressive weeds at a high density of above 70 per cent, with evidence of partial clearing. Noting the VT2 vegetation type extends beyond the application area for at least one hectare, the patch does not meet TSSC (2016) condition thresholds (Strategen 2019). No State-listed TECs occur over the application area.

Given the degraded or completely degraded condition of the vegetation over the application area compared to adjacent areas of remnant vegetation, and the lack of Priority and Threatened flora taxa recorded, it is unlikely that the application area comprises a high level of biological diversity. The VT2 vegetation type in the eastern section of the application area is not consistent with key diagnostic criteria for TECs or PEC's. Therefore the proposed clearing is not likely to be at variance to Principles (a), (c) or (d).

Significant fauna species have been recorded within the local area. Numerous bird species protected under International Agreements (particularly the Families: Scolopacidae, Charadriidae, and Glareolidae) have been recorded within the local area due to the proximity of the Canning River 30 metres to the south. However, due to the lack of seasonally inundated habitat these species are not likely to occur. Of the species previously recorded within the local area two threatened species of black cockatoo are considered likely to occur within the application area, at least intermittently (Strategen 2019); Carnaby's Black Cockatoo *Calyptorhynchus latirostris* (Endangered), and the Forest Red-tailed Black Cockatoo (*Calyptorhynchus banksii* subsp. *Naso*) (Vulnerable).

Black cockatoo habitat can be considered in terms of breeding habitat, night roosting habitat, and foraging habitat. Black cockatoos will generally forage up to 12 kilometres from an active breeding site and, following breeding, will flock in search of food, usually within six kilometres of a night roost (DSEWPaC 2012a) (DoEE 2017) (DPaW 2013). Night roosts are usually located in the tallest trees of an area, and in close proximity to both a food supply and water. Flocks will use different night roosts, often for weeks, or until the local food supply is exhausted. Flocks show some fidelity to night roosts with sites used in most years to access high-quality feeding sites. However, not all night roosts are used in every year (DPaW 2013). The application area does not include trees large enough (diameter at breast height (DBH) greater than 500 millimetres) to support hollows, and no suitable black cockatoo breeding habitat is present (Strategen, 2019). The closest known night roost is located approximately 400 metres to the south-west, with the closest breeding area over 25 kilometres from the application area.

Potential black cockatoo foraging habitat is present within the application area and is associated with VT1 and VT2. Of these vegetation types, VT1 was assessed by Strategen (2019) as Moderate foraging quality for Carnaby's Cockatoo (with no value to Forest Red-tailed Black Cockatoo). Carnaby's Cockatoo has been observed stripping the bark of *Agonis flexuosa* (Peppermint) presumably searching for invertebrates (Valentine and Stock 2008). However, *Agonis flexuosa* is considered a low priority for planting (DPAW 2011) and the species assemblage of VT1 is therefore not considered quality foraging habitat of DSEWPaC (2012). Conversely flora species within the VT2 vegetation type include species known to be favoured by Carnaby's Cockatoo including *Banksia menziesii*, *Eucalyptus marginata*, *Allocasuarina fraseriana* and *Hakea prostrata* and the VT2 vegetation type is considered high-quality foraging habitat. The VT2 was therefore assessed by Strategen (2019) as Excellent for Carnaby's Black Cockatoo and Poor for Forest Red-tailed Black Cockatoo.

The importance of Banksia woodland as foraging habitat for Carnaby's Black Cockatoo has been demonstrated through various studies which have determined that the species will exploit all areas of available Banksia food resources on the Swan Coastal Plain (EPA 2019). The condition of the VT2 vegetation type over the application area was assessed as degraded, however, due to the presence of key food species known to be favoured by Carnaby's Black Cockatoo, the proximity of a night roost, and evidence of the species recorded in the area by Strategen (2019) the 0.0510 hectares of VT2 is considered Carnaby's Black Cockatoo foraging habitat. Noting adjacent remnant vegetation (Mt Henry spit) provides approximately 12 hectares of foraging habitat in a better condition, and the proposed clearing of 0.0510 hectares over the application area represents less than 0.5 per cent of foraging habitat to that immediately available (Strategen 2019). Therefore the vegetation within the application comprises habitat for black cockatoos which may be significant and the proposed clearing may be at variance with principle (b).

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 mapped extent of the Perth Metropolitan Region Scheme and is situated within the Swan Coastal Plain (IBRA) bioregion which retains approximately 39 per cent of its pre-European vegetation extent. The application area is located within the mapped Swan Coastal Plain vegetation complex of Bassendean Complex – Central and South (Woodland to low woodland and sedgeland) which retains approximately 27 per cent of its pre-European extent. Noting the vegetation does not comprise of habitat for significant flora or TEC's and PEC's, the vegetation proposed to be cleared is not considered significant as a remnant.

The Environmental Protection Authority (EPA) recognises the Perth Metropolitan Region to be a constrained area, within which a minimum 10 per cent representation threshold for ecological communities is recommended (EPA 2008). The local area retains approximately 7.5 per cent native vegetation cover, less than the 10 per cent minimum threshold recommended by the EPA (2008). Therefore the application area is located within an extensively cleared area. Noting the vegetation is not considered a significant remnant, but is within an extensively cleared area, the proposed clearing may be at variance with principle (e).

No watercourses or wetlands have been identified within the application area. The closest wetland is the Swan-Canning River Estuary which is located approximately 35 meters from the application area and is listed within the Directory of Important Wetlands (ID WA091). Noting that the vegetation within the application comprises understorey flora species that may be associated with watercourses including *Acacia lasiocarpa*, *Casuarina obesa*, *Jacksonia furcellata* and *Kunzea glabrescens*, the proposed clearing is at variance with principle (f). Given the minimal amount of total clearing (0.1776 hectares), the lack of watercourses or wetlands present, the proposed clearing is unlikely to significantly impact riparian vegetation, or the nearby watercourse via sedimentation or hydrological changes. Furthermore, it is considered that the proposed clearing is unlikely to contribute to, or cause appreciable land degradation, deteriorate the quality of ground water or exacerbate flooding and is therefore not likely to be at variance with principles (g), (i) or (j).

The southern half of the application area is located ten metres from Bush Forever site 227. The proposed clearing may indirectly impact on the conservation values of this site due to the spread of weeds and/or dieback, and the proposed clearing may therefore be at variance with Principle (h). Weed and dieback management measures and the implementation of a Construction Environmental Management Plan will assist in mitigating impacts to the Bush Forever site.

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

Planning instruments and other relevant matters.

The application area is zoned private institution under the Town Planning Act.

The City of South Perth has no objection to the proposed clearing provided that the applicant meets DBCA's development conditions.

The Department of Planning, Lands and Heritage (DPLH) (2019) advised that Western Australian Planning Commission (WAPL) Approval to Commence Development 11-50037-22 was granted, subject to fourteen conditions, on the 8 November 2019. The conditions include not to disturb or clear the bush forever area, not to clear for bushfire risk management, control of stormwater runoff, control of deleterious materials entering the foreshore reserve, stormwater system or Canning River, and ensuring that fill or topsoil, brought onto the site are free from rubble, weeds and disease (DPLH, 2019).

The Rivers and Estuaries Branch of the Department of Biodiversity, Conservation and Attractions (DBCA 2019) provided advice on the proposed development. DBCA (2019) advised that it had no objections to the development subject to six conditions, including if any vegetation is proposed to be trimmed or removed in the Swan Canning Development Control Area, a landscape plan shall be submitted to, and approved by DBCA prior to the commencement works (DBCA, 2019).

DBCA also advised that the Bushfire Management Plan states that the vegetation within the Asset Protection Zone (APZ) will need to be managed to ensure that the Bushfire Attack Level (BAL) rating of the proposed building does not exceed BAL-29. A portion of the APZ is outside of the application area. Clearing of vegetation within the APZ is not permitted as a component of the development approval (DBCA 2019).

The proposed clearing is 25 metres from the Canning River. The river, and the areas surrounding it, is an Aboriginal site of significance and It is the applicant's responsibility to ensure compliance with any obligations under the *Aboriginal Heritage Act 1972*.

The clearing permit application was advertised on the Department of Water and Environmental Regulation's website on 27 August 2019 with a 14 day submission period. The application received one public submission. The submission recommended additional requirements given the vegetation comprises Banksia Woodland TEC, black cockatoo foraging habitat and is within a conservation area. These environmental issues have been addressed in the assessment under principle (b), (d) and (h). The submission also stated that the consultants claim that the site has been historically degraded and suggested that owners should be held responsible for the condition of their bushland and cannot use degradation as an excuse for clearing.

5. References

- City of South Perth (2019) Planning advice (DWER Ref: A1817967).
- Commonwealth of Australia (No Date) EPBC Referral Guidance. Banksia Woodlands of the Swan Coastal Plain ecological community. Department of Environment and Energy, Canberra.
- Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.
- Department of Biodiversity and Attractions (DBCA) (2019) Metropolitan Region Scheme advice (DWER Ref: A1815115)
- Department of Conservation Biodiversity and Attractions (DBCA) (2016) *Approved Conservation Advice (incorporating listing advice) for the Banksia Woodlands of the Swan Coastal Plain ecological community*: Available from: <http://environment.gov.au/biodiversity/threatened/communities/pubs/131-conservation-advice.pdf> (accessed September 2019).
- Department of Environment and Energy (DoEE) (2017) Species Profile and Threats Database: *Calyptorhynchus latirostris* — Carnaby's Cockatoo, Carnaby's Black-Cockatoo, Short-billed Black-Cockatoo. Department of Environment and Energy (now the Department of Environment and Energy). Canberra.
- Department of Parks and Wildlife (DPAW) (2011) Plants Used by Carnaby's Black Cockatoo. List prepared by Christine Groom. Western Australian Department of Parks and Wildlife (now the Department of Biodiversity, Conservation and Attractions). Perth. Western Australia.
- Department of Parks and Wildlife (DPAW) (2013) Carnaby's Cockatoo (*Calyptorhynchus latirostris*) Recovery Plan. Western Australian Department of Parks and Wildlife (Now the Department of Biodiversity, Conservation and Attractions). Perth. Western Australia.
- Department of Planning, Lands and Heritage (2019) Planning advice (DWER Ref: A1842865).
- Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC) (2012) EPBC Act referral guidelines for three threatened black cockatoo species: Carnaby's cockatoo (endangered) *Calyptorhynchus latirostris*, Baudin's cockatoo (vulnerable) *Calyptorhynchus baudinii*, Forest red-tailed black cockatoo (vulnerable) *Calyptorhynchus banksii naso*. Department of Sustainability, Environment, Water, Population and Communities (now the Department of Environment and Energy), Canberra.
- Environmental Protection Authority (EPA) (2008) Environmental Guidance for Planning and Development. Guidance Statement No. 33. Environmental Protection Authority. Western Australia.
- Environmental Protection Authority (EPA) (2019) EPA Technical Report: Carnaby's Cockatoo in Environmental Impact Assessment in the Perth and Peel Region. Advice of the Environmental Protection Authority under Section 16(j) of the Environmental Protection Act 1986. Environmental Protection Authority. Perth WA.
- Government of Western Australia. (2019) 2018 South West Vegetation Complex Statistics. Current as of March 2018. WA Department of Biodiversity, Conservation and Attractions. Perth. Western Australia.
- 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 (2019) Supporting document for clearing permit application CPS 8637/1 (DWER Ref: A1815115)
- Threatened Species Scientific Committee (TSSC) (2016) Approved Conservation Advice (incorporating listing advice) for the Banksia Woodlands of the Swan Coastal Plain ecological community Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) (s 266B)
- Valentine L. E. and Stock W. (2008) Food Resources of Carnaby's Black-Cockatoo (*Calyptorhynchus latirostris*) in the Gngara Sustainability Strategy study area. Unpublished report to the Forests Products Commission.
- Western Australian Herbarium (1998-) FloraBase - The Western Australian Flora. Department of Biodiversity, Conservation and Attractions. <http://florabase.dpaw.wa.gov.au/> (accessed September 2019).