



## CLEARING PERMIT

*Granted under section 51E of the Environmental Protection Act 1986*

### PERMIT DETAILS

Area Permit Number: 8799/1  
File Number: DWERVT5274  
Duration of Permit: 22 October 2020 to 22 October 2022

### PERMIT HOLDER

David James Sommerville

### LAND ON WHICH CLEARING IS TO BE DONE

Lot 12 on Deposited Plan 411030, Brazier

### AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 0.98 hectares within the area hatched yellow on attached Plan 8799/1.

### 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. 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.



Mathew Gannaway  
MANAGER  
NATIVE VEGETATION REGULATION

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

29 September 2020

# Plan 8799/1


115°48'0.000"E

115°48'18.000"E



## Legend

### CPS layers

 CPS areas approved to clear

### base layers

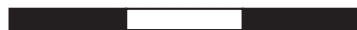
 Cadastre - LGATE 218

 Local Government Authority (LGA) Boundaries (LGATE-233)

### Image



0 100 200 300 m



Mathew

Gannaway

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Officer delegated under section 20 of the  
Environmental Protection Act 1986



GOVERNMENT OF  
WESTERN AUSTRALIA



## 1. Application details

### 1.1. Permit application details

Permit application No.: 8799/1  
Permit type: Area Permit

### 1.2. Applicant details

Applicant's name: Mr David James Somerville  
Application received date: 03 February 2020

### 1.3. Property details

Property: Lot 12 on Deposited Plan 411030, Brazier  
Local Government Authority: Shire of Donnybrook-Balingup  
Localities: Brazier

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
0.98	-	Mechanical Removal	Dam construction

### 1.5. Decision on application

Decision on Permit Application: Granted  
Decision Date: 29 September 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* (EP Act). It has been concluded that the proposed clearing is at variance with principle (f) and is not likely to be at variance with the remaining principles.

Through assessment it was identified that the vegetation within the application area is associated with a watercourse and is therefore at variance with principle (f). Noting the extent of the proposed clearing and that the immediate surroundings have been significantly altered, the proposed clearing is not likely to cause a significant impact on the environmental values of the watercourse.

To minimise the risk of the spread of weed and dieback from the proposed clearing, a condition requiring the implementation of weed and dieback management measures has been placed on the permit.

In determining to grant a clearing permit subject to a weed and dieback management condition, 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 to clear 0.98 hectares of native vegetation within Lot 12 on Deposited Plan 411030, Brazier, for the purpose of preparation of a dam (Figure 1).
- Vegetation Description** The application area is within the mapped Wishart vegetation complex, described as open forest of *Eucalyptus marginata* subsp. *marginata* – *Corymbia calophylla* on lower slopes and valleys of the escarpment in hyperhumid to humid zones (Matiske and Havel, 1998).  
Photographs supplied by the applicant indicate the vegetation within the application area consists of individual *Eucalyptus* spp. and *Corymbia calophylla* trees.
- Vegetation Condition** As indicated by aerial imagery and photographs supplied by the applicant (Figures 2-5), the vegetation within the clearing area is in a degraded condition, described as structure severely impacted by disturbance, scope for regeneration but not to a state approaching good condition without intensive management (Keighery, 1994).
- Soil type** The application area is mapped within the following land systems (Tille, 1996):
- Wishart valleys Phase 255Lv system: narrow minor valleys in the escarpment; and
  - Dickson low slopes Phase 255Lv system: soils are loamy earths with scattered rock outcrop.



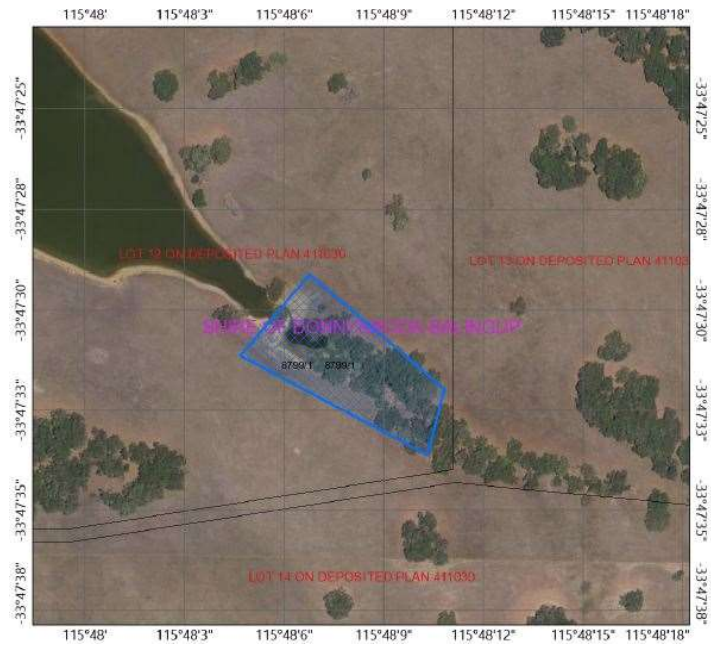


Figure 1: Application area (cross-hatched in blue)



Figure 2: Western end of application area looking east



Figure 3: Eastern aspect of application area looking south



Figure 4: Western end of application area looking southwest



Figure 5: Looking east from southern boundary of application area

### 3. Assessment of application against clearing principles

A review of the available databases identified 30 priority flora species and six threatened flora species within the local area. Of these species, seven priority flora species have been identified to occur within the same soil type as the application area. Noting the degraded condition of the vegetation, the absence of understorey vegetation and the distribution of these species, it is unlikely that conservation significant flora species occur within the application area.

According to available databases, 12 threatened fauna species, two Priority 3 fauna species, six Priority 4 fauna species, two protected under international agreement fauna species, and two other specially protected fauna species have been recorded within the local area (Department of Biodiversity, Conservation and Attractions, 2007-). Of these species, the Baudin's cockatoo (*Calyptorhynchus baudinii*), Carnaby's cockatoo (*Calyptorhynchus latirostris*), forest red-tailed black cockatoo (*Calyptorhynchus banksii naso*), masked owl (southwest) (*Tyto novaehollandiae* subsp. *novaehollandiae*) and south-western brush-tailed phascogale (*Phascogale tapoatafa* subsp. *wambenger*) have been identified as having the potential to utilise the application area.

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) and *Biodiversity Conservation Act 2016* (BC 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 majority of the trees within the application area are unlikely to be large enough or contain hollows to be suitable habitat trees for black cockatoos. According to available databases, there are no known records of black cockatoo sightings or roosting sites within the application area and the application area does not occur within mapped confirmed breeding or roosting areas. Noting this and the presence of suitable habitat available from nature reserves within the local area, the application area is not considered to be significant habitat for black cockatoos.

The masked owl (Priority 3) inhabits a diverse range of wooded habitats that provide large hollow-bearing trees for roosting and nesting (Kavanagh and Murray, 1996). The south-western brush-tailed phascogale (other specially protected fauna) occurs within dry sclerophyll forest and open woodlands that contain hollow-bearing trees (Parks and Wildlife, 2012). Given the lack of suitable trees within the application area and the nature reserves found within the local area, the application area is not likely to be significant habitat for these species.

Noting the above, the vegetation proposed to be cleared is not likely to comprise the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna.

According to the available databases, there are no Threatened or Priority Ecological Communities (TECs/PECs) mapped within the application area or the local area.

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 Darling Plateau subregion of the South-West Forests and is mapped as Wishart vegetation complex (WSv), retaining 26.34 per cent of its pre-European vegetation extent (Government of Western Australia, 2019). However, given that the application area is in a degraded condition, it is not considered to be a significant remnant. The local area retains approximately 64 per cent (81,243 hectares) of remnant native vegetation. Given that the local area retains above the 30 per cent threshold level, the application area is not considered to be located within an area that has been extensively cleared.

Based upon a review of aerial imagery, the application area appears to be a small isolated remnant within cleared surroundings therefore it is not considered to be part of a significant ecological linkage in the local area.

The application area intersects a non-perennial watercourse and is within the Hardy Estuary Blackwood River catchment. The vegetation within the application area is considered to be growing in, or in association with, an environment associated with a watercourse and the proposed clearing is at variance with principle (f). Noting the extent of the proposed clearing and that the immediate surroundings have been significantly altered, the proposed clearing is not likely to cause a significant impact on the environmental values of the watercourse.

Based on mapped land degradation risk, the application area has a low likelihood of land degradation resulting from water erosion, waterlogging, salinity and flooding. The application area is mapped as having moderate to very high risk for wind erosion that may lead to land degradation. However, due to the extent of the application area and the degraded condition of the vegetation, it is not likely that the proposed clearing will cause appreciable land degradation or cause, or exacerbate, the incidence of wind erosion.

The closest conservation reserve is the Jarrahwood State Forest which is located approximately 290 metres west of the application area. Given the limited size of the proposed clearing and that it is restricted within the application area, it is not likely to impact upon the environmental values of this reserve. A weed and dieback management condition will assist in minimising the risk of the proposed clearing resulting in the spread of weeds and dieback into the reserve.

The assessment has found that the clearing under application is at variance with principle (f) and is not likely to be at variance with 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 is zoned General Agriculture under Local Planning Scheme No. 7 (LPS7). The Shire of Donnybrook-Balingup (the Shire) noted that no prior planning approval has been granted for the development of a dam within the property (Shire of Donnybrook-Balingup, 2020). The Shire advised that a review of LPS7 showed that the proposed dam is not exempt from a planning approval and noted that all development within the zone is subject to development setbacks under clause 4.54.8 of LPS7 which specify setbacks from any State Forest, National Park, Conservation Reserve or timbered Crown or local government land. Encroaching into the development setback generates a requirement for development approval, and it appeared

that the proposed dam will likely require variations to the setback standards (Shire of Donnybrook-Balingup, 2020). The proposed dam therefore required planning approval from the Shire.

On 16 September 2020, the applicant provided DWER a Development Approval from the Shire of Donnybrook-Balingup to construct the proposed dam (Somerville, 2020).

The clearing permit application was advertised on the DWER website on 12 February 2020 with a 21 day submission period. No public submissions have been received in relation to this application.

#### 4. References

- 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 (2007-) NatureMap: Mapping Western Australia's Biodiversity. Department of Parks and Wildlife. URL: <http://naturemap.dpaw.wa.gov.au/>.
- Department of Parks and Wildlife (2012) Fauna profile – Brush-tailed Phascogale (*Phascogale tapoatafa*) (Meyer, 1793) Department of Parks and Wildlife, Western Australia.
- 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>
- Kavanagh, R.P. and Murray, M. (1996) Home range, habitat and behaviour of the Masked Owl *Tyto novaehollandiae* near Newcastle, New South Wales. *Emu* 96: 250-257.
- 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.
- Shire of Donnybrook-Balingup (2020) Comments on clearing permit application 8799/1 (DWER Ref: A1905063).
- Somerville, D. (2020) Provision of Development Approval from the Shire of Donnybrook-Balingup for the construction of dam. DWER ref. A1934151.
- Tille, P.J., Wilson, G. and National Landcare Program (Australia) (1996) Wellington-Blackwood land resources survey. Department of Agriculture and Food, Western Australia, Perth.

#### 5. GIS Databases

- Aboriginal Sites of Significance
- CPS Areas applied to clear
- DBCA Managed Estate
- Hydrography, catchments
- Hydrography, inland waters
- SAC Bio Datasets
- Soils, Statewide
- Threatened Fauna
- TPFL
- WAHerb Data
- WA TEC PEC Boundaries