



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: 8811/1
File Number: DWERVT5357
Duration of Permit: From 19 June 2020 to 19 June 2022

PERMIT HOLDER

Mr Charles and Mrs Merilyn Jenour

LAND ON WHICH CLEARING IS TO BE DONE

Lot 89 on Plan 2842, Burekup

AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 0.385 hectares of native vegetation within the area cross-hatched yellow on attached Plan 8811/1.

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. Fauna management – direction of clearing

The Permit Holder shall conduct clearing in a slow progressive manner from one direction to the other (e.g. south to north) to allow fauna to move into adjacent native vegetation ahead of the clearing activity.

4. 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 direction in which clearing was undertaken;
- (d) the size of the area cleared (in hectares);

- (e) actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 1 of this Permit; and
- (f) actions taken to minimise the risk of the introduction and spread of *dieback* and *weeds* in accordance with condition 2 of this Permit.

5. Reporting

The Permit Holder must provide to the *CEO* the records required under condition 4 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 Regional Weed Rankings 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*

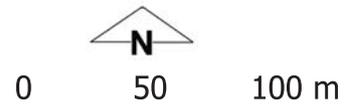
20 May 2020

Plan 8811/1



Legend

-  CPS areas approved to clear base layers
-  Local Government Authorities
-  Cadastre - LGATE 218
- Image



MGA 94
Geocentric Datum of Australia 1994

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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.: 8811/1
Permit type: Area Permit

1.2. Applicant details

Applicant's name: Charles and Marilyn Jenour
Application received date: 18 February 2020

1.3. Property details

Property: Lot 89 on Plan 2842, Burekup
Local Government Authority: Shire of Dardanup
Localities: Burekup

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
0.385		Mechanical Removal	Dam construction or maintenance

1.5. Decision on application

Decision on Permit Application: Granted
Decision Date: 20 May 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), may be at variance with principles (b) and (i) and is not likely to be at variance with the remaining principles.

The Delegated Officer considered the following:

- The proposed clearing includes vegetation growing in association with a watercourse and wetland. The Delegated Officer determined that no significant impacts to the environmental values of the water bodies are expected given the minimal extent of the proposed clearing.
- The proposed clearing may increase sedimentation and runoff into the watercourse. The Delegated Officer determined that the impacts are likely to be minimal and short term and are not likely to cause deterioration in the quality of surface and underground water.
- The proposed clearing may impact black cockatoo foraging habitat. The Delegated Officer determined that no significant impact on the availability of food sources for black cockatoos are expected, given the minimal extent of the proposed clearing and the extent of remnant vegetation within the local area, majority of which occurs within Department of Biodiversity Conservation and Attractions (DBCA) managed estate.
- The application area may act as a transient for western ringtail possum. The Delegated Officer determined that environmental impacts on this fauna species can be adequately mitigated by imposing fauna management measures and requiring clearing to be undertaken in a slow, directional manner.

In determining to grant a clearing permit subject to the above management conditions, the Delegated Officer found 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 0.385 hectares of native vegetation within Lot 89 on Plan 2842, Burekup, for the purpose of dam repair (Figure 1).

Vegetation Description The application area occurs within the 'Jarrah Forest' Interim Biogeographic Regionalisation for Australia (IBRA) bioregion, and is mapped as the South West forest vegetation complex Darling Scarp Complex. The Darling Scarp Complex is described as mosaic of open forest of *Eucalyptus marginata* subsp. *marginata* – *Corymbia calophylla*, with some admixtures with *Eucalyptus laeliae* in the north (subhumid zone), with occasional *E. marginata* subsp. *elegantella* (mainly in subhumid zone) and *Corymbia haematoxylon* in the south (humid zone) on deeper soils adjacent to outcrops, woodland of *Eucalyptus wandoo* (subhumid and semiarid zones), low woodland of *Allocasuarina huegeliana* on shallow soils over granite outcrops, closed heath of Myrtaceae-Proteaceae species and lithic complex on or near granite outcrops in all climate zones (Mattiske and Havel, 1998).

A review of the photographs provided by the Applicant (2020a) identified that the vegetation within the application area comprises a mixture of juvenile *Corymbia calophylla* (marri) and *Eucalyptus marginata* (jarrah) over weedy grasses.

Vegetation Condition

The condition of the vegetation within the Application area is considered to be in degraded condition, described as containing a structure that is severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994).

The condition of the vegetation was determined by supporting information provided by the Applicant (2020a).

Soil type

The application area is mapped as the Balingup moderate slopes phase subsystem, which is described as Balingup Subsystem, moderate slope phase, slopes 15-35 per cent, relief 60-120 meter (Schoknecht et al., 2004).

Comments

The local area is considered a 10 kilometre radius from the perimeter of the application area.



Figure 1 Application area cross-hatched blue



Figure 2a

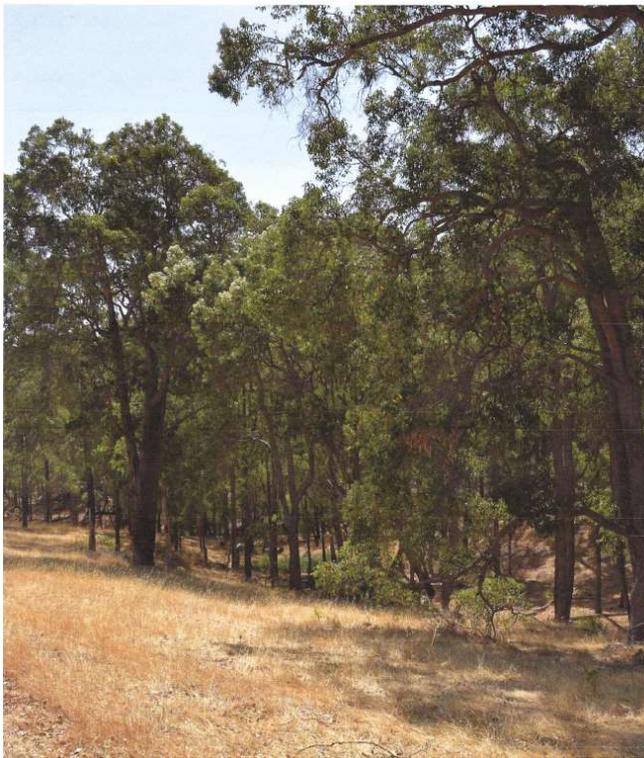


Figure 2b



Figure 2c

Figures 2a-c: Representative photos of the vegetation within the Application area (Applicant, 2020a).

3. Minimisation and mitigation measures

In relation to whether alternatives have been considered that would avoid or minimise the need for clearing, the Applicant (2020b) has advised: "The damaged dam is in the right location and most of the trees were cleared in the past and what trees are to be removed are mostly re-growth."

4. Assessment of application against clearing principles

As detailed below, the proposed clearing is at variance with Principle (f), may be at variance with Principle (b) and (i) and is not likely to be at variance with any other clearing principles.

According to available databases, two threatened and 16 priority flora species have been recorded within the local area. Based on the similarities shared between the soil and vegetation types in habitats for these flora taxa and within the application area, it was determined that *Stylidium acuminatum* subsp. *acuminatum* listed as Priority 2 by the Department of Biodiversity, Conservation and Attractions (DBCA) could occur within the application area. This species is known from four populations within the local area

spread across approximately 45 kilometres, with the closest population approximately 5.3 kilometres north of the application area. The species is associated with Jarrah/marri forest with tall shrub understorey. Considering that the understorey in the application area is in degraded (Keighery, 1994) condition with only weedy grasses, the application area is not likely to provide suitable habitat for this taxon.

According to available databases, 20 fauna species listed as conservation significant under the *Biodiversity Conservation Act 2016* (BC Act) have been recorded within the local area (DBCA, 2007-). Noting the vegetation within the application area, the vegetation may provide habitat for three black cockatoo species: forest red-tailed black cockatoo (*Calyptorhynchus banksia* subsp. *naso*), Carnaby's cockatoo (*Calyptorhynchus latirostris*), Baudin's cockatoo (*Calyptorhynchus baudinii*) (collectively referred to as black cockatoos herein this report) and Western Ringtail Possum (WRP) (*Pseudocheirus occidentalis*).

Suitable breeding habitat for black cockatoos include trees which either have a suitable nest hollow or are of a suitable diameter at breast height (DBH) to develop a nest hollow. For most tree species, including marri trees, a suitable DBH is 500 millimetres (Commonwealth of Australia, 2012). A review of the photographs provided by the Applicant (2020a) did not identify any potential habitat trees. In addition, the Applicant confirmed that there are no large mature trees within the application area. Given this, the application area is not likely to provide suitable breeding habitat for black cockatoos.

Foraging habitat for black cockatoos within seven kilometres of a breeding site is important to adequately support breeding pairs, and individual night roosting sites need food and water within six kilometres (EPA, 2019). Overlapping foraging ranges within 12 kilometres also support roosting sites and maintain habitat connectivity and movement across the landscape (EPA, 2019). The application area comprises a mixture of jarrah and marri trees, which may provide foraging habitat for black cockatoos, particularly for forest red-tailed cockatoo. Given this, the proposed clearing may be at variance with Principle (b). However, the extent of the proposed clearing is minimal. In addition, remnant vegetation is also abundant in the local area which is likely to comprise similar or better quality foraging habitat for black cockatoo species, with majority of these remnants occurring within Wellington National Park managed by DBCA. Given this, the proposed clearing is not likely to comprise significant foraging habitat for black cockatoo species.

As mentioned above, the application area is located outside the mapped confirmed breeding area for Carnaby's cockatoo, and according to available databases, there are no confirmed breeding points within the local area. The nearest confirmed breeding points is approximately 45 kilometres southwest of the application area. Given this, the application area is not likely to provide significant foraging habitat for black cockatoo breeding.

According to available databases, there are three black cockatoo roosting sites that occur within the local area. Within a 6 kilometre radius of the application area, there are two confirmed roosting sites located approximately 3.3 kilometres east and 5.8 kilometres northwest of the application area. The foraging habitat within the application area may provide some food to support roosting black cockatoos, and therefore, the proposed clearing may be at variance with Principle (b). However, noting the minimal extent of the proposed clearing and the extent of the vegetation in the local area, the proposed clearing is not considered to significantly impact on the availability of food source for this fauna species.

The application area is located within the mapped WRP habitat. Habitat critical to WRP survival is described as long unburnt mature remnants of peppermint (*Agonis flexuosa*) woodlands with high canopy continuity and high foliage nutrients. Other habits comprise of jarrah/marri forest and woodlands with adequate hollows (Department of Parks and Wildlife, 2014). The application area contains jarrah and marri trees and the connectivity of the canopy of these trees may provide habitat for WRP. However, given the lack of mature trees with hollows that would provide the primary diurnal refuge and breeding sites for possums, the application area is likely used only as a transient for WRP. Slow progressive one directional clearing will help to allow this species to disperse ahead of the clearing activity should it occur on site at the time of clearing.

According to available databases, three threatened ecological communities (TEC) have been mapped in the local area. The closest TEC is 'Banksia Dominated Woodlands of the Swan Coastal Plain IBRA Region' (Banksia woodland) listed as Priority 3 ecological community by the DBCA and Endangered under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) which is located approximately three kilometres northwest of the application area. Noting that the application area comprises of a mixture of *Eucalyptus* sp. and *Corymbia calophylla*, the vegetation in the application area is not representative of this TEC. Given this, the application area is not likely to comprise the whole or a part of, or is necessary for the maintenance of a state or Commonwealth listed TEC.

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 'Jarrah Forest' IBRA bioregion, which has approximately 53.25 per cent of its pre-European vegetation extent remaining. Additionally, the application area is also mapped as Lowdon vegetation complex which retains approximately 37 per cent of its pre-1750 vegetation extent (Government of Western Australia, 2019). The local area retains around 39 per cent of the pre-European extent. Considering this, and the extent of the vegetation proposed to be cleared, the application area is not significant as a remnant of native vegetation in an area that has been extensively cleared.

According to available databases, Collie River (ID 21872) is mapped running west-east through the application area and an earth dam (ID 433205) is mapped in the western section of the application area. Given this, the proposed clearing is growing in, or in association with a watercourse and an earth dam, the proposed clearing is at variance with Principle (f). However, given the size of the proposed clearing and that no distinctive riparian vegetation appears to be growing in the application area, the proposed clearing is not likely to have a significant impact upon riparian vegetation.

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 further land degradation, or cause or exacerbate flooding than that which is currently present. The proposed clearing may impact on surface water quality in the vicinity of the mapped watercourse through increase

sedimentation and runoff into the watercourse, but the impacts are likely to be minimal and short term and are not likely to cause deterioration in the quality of surface and underground water.

According to available databases, the closest conservation area is Wellington National Park (Class A) located approximately 1.1 kilometres southeast of the application area. Given the size of the clearing and the distance to the closest conservation area, the proposed clearing is not likely to have an impact on the environmental values of any adjacent or nearby conservation area.

The application area is surrounded by native vegetation. The proposed clearing may introduce additional weed species and dieback into the surrounding vegetation. Weed and dieback management practices will assist in minimising the risk.

Planning instruments and other relevant matters.

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

The clearing permit application was advertised on the DWER website on 03 March 2020 with a 14 day submission period. No public submissions were received in relation to this application.

On 28 February 2020, DWER sought internal advice from the Department of Water and Environmental Regulation (DWER) South West Region (SWR) Bunbury office on whether an application to interfere with the bed and banks under the *Rights in Water and Irrigation Act 1914* (RIWI Act) is required and if such licences/permits have been applied for. On 4 March 2020 DWER's regional branch advised that a bed and banks permit would be required (DWER, 2020a).

On 3 March 2020, the DWER sought advice from the Shire of Dardanup (the Shire) in relation to the proposed clearing. On 17 March 2020, the Shire (2020) advised:

- The land is within the Landscape Protection Area in Town Planning Scheme No. 3 (TPS3);
- Development Approval (DA) is required in accordance with Clause 5.2.2 of TPS3 for an extension to the dam in the Landscape Protection Area;
- DA is required in accordance with Clause 5.2.2 of TPS3 for native vegetation removal in the Landscape Protection Area;
- No application for development approval for the dam extension or vegetation removal has been submitted to the Shire; and
- No approval is required under the Greater Bunbury Region Scheme.

On 1 April 2020, DWER (2020c) advised the applicant that a bed and banks permit under the RIWI Act is required in order to make a decision on the clearing permit application.

On 2 April 2020, DWER (2020d) advised the applicant that a DA from the Shire is required in order to make a decision on the clearing permit application.

On 13 May 2020, DWER sought updates on the progress of the Shire's DA assessment. The Shire advised that it is pending the advice from DWER SWR office in order to finalise a DA. The Shire verbally advised there were no major concerns that would impede issuing a DA.

On 14 May 2020, DWER SWR office advised that the assessment under the RIWI Act did not identify any environmental issues. Given this, the assessing officer recommended to a Delegated Officer to grant a bed and banks permit subject to a condition that would require the Permit Holder to build the dam to the dimensions provided in the application form and the capacity not exceeding 8,000kL (DWER, 2020d). The SWR office also advised that the Shire did not raise any concerns in relation to the proposed clearing (DWER, 2020d).

Considering that the proposed clearing is unlikely to lead to any unacceptable risk to the environment, DWER decided to grant the Clearing Permit. It is the applicant's responsibility to comply with the RIWI Act and the Shire's TPS3 and ensure that no activities are undertaken without an appropriate bed and banks permit or development issued by DWER and the Shire respectively.

5. References

- Applicant. (2020a). Photographs of the vegetation proposed to be cleared under clearing permit application CPS 8811/1. Received by the Department of Water and Environmental Regulation on 25 February 2020. DWER Ref: A1871299.
- Applicant. (2020b). Application form in relation to clearing permit application CPS 8811/1. Received by the Department of Water and Environmental Regulation on 18 February 2020. DWER Ref: A1868916.
- 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
- Department of Biodiversity, Conservation and Attractions (DBCAs) (2007-) NatureMap: Mapping Western Australia's Biodiversity. Department of Parks and Wildlife. URL: <http://naturemap.dpaw.wa.gov.au/>. Accessed April 2020.
- Department of Parks and Wildlife (DPaW). (2014). Western Ringtail Possum (*Pseudocheirus occidentalis*) Recovery Plan. Wildlife Management Program No. 58.
- Department of Water and Environmental Regulation (DWER) (South West Region Bunbury Office) (2020a) *Rights in Water and Irrigation Act 1914* advice (DWER Ref: A1881462).
- Department of Water and Environmental Regulation (DWER). (2020b) Advice to applicant that a bed and banks permit under the RIWI Act is required. DWER Ref: A1881137.
- Department of Water and Environmental Regulation (DWER). (2020c) Advice to applicant that a development approval from the Shire of Dardanup is required. DWER Ref: A1881462.
- Department of Water and Environmental Regulation (DWER) (South West Region Bunbury Office) (2020d) *Rights in Water and Irrigation Act 1914* advice (DWER Ref: A1893782).

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*.

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.

Shire of Dardanup (2020) Supporting Information for clearing permit application CPS 8811/1. Shire of Dardanup. Received by DWER on 17 March 2019 (DWER Ref: A1877157).

GIS databases:

- CPS Areas applied to clear
- NatureMap (conservation significant fauna)
- DAFWA Subsystems V5
- Soils of WA
- Vegetation Complexes – South West Forest
- Managed Tenure
- Environmentally Sensitive Areas
- TPFL Data May 2020
- WAHerb Data May 2020
- Aboriginal Sites Register
- IBRA Vegetation WA
- WA TECPEC
- Land Degradation Hazards