Government of Western Australia
Department of Water and Environmental Regulation

Clearing Permit Decision Report

1 Application details and outcome

1.1. Permit application details

Permit number:	CPS 9108/1
Permit type:	Purpose permit
Applicant name:	888 Abalone Pty Ltd
Application received:	11 November 2020
Application area:	0.037 hectares of native vegetation
Purpose of clearing:	Installing an outflow pipe
Method of clearing:	Mechanical
Property:	Lot 3000 on Plan 46739, Bremer Bay (Crown reserve 511)
Location (LGA area/s):	Shire of Jerramungup
Localities (suburb/s):	Bremer Bay

1.2. Description of clearing activities

The vegetation proposed to be cleared is contained within a single contiguous area (see Figure 1, Section 1.5). The application is for the proposed clearing of 0.037 hectares of native vegetation within Lot 3000 on Plan 46739, Bremer Bay, for the purpose of installing an outflow pipe to assist with water demands associated with the operation of the farm (888 Abalone Pty Ltd, 2020). The initial application proposed clearing 0.028 hectares of native vegetation. The application was revised during the assessment process. The changes included an increase to the application area from 0.028 hectares to 0.037 hectares of native vegetation, an increase of 0.009 hectares to accommodate for the entire length of the pipeline within an area of small shrubs (888 Abalone Pty Ltd, 2021).

1.3. Decision on application

Decision:	Granted
Decision date:	31 March 2021
Decision area:	0.037 hectares of native vegetation, as depicted in Section 1.5 below.

1.4. Reasons for decision

This clearing permit application was submitted, accepted, assessed and determined in accordance with sections 51E and 51O of the *Environmental Protection Act 1986* (EP Act). The Department of Water and Environmental Regulation (DWER) advertised the application of 0.028 hectares for 14 days and no submissions were received. On 22 January 2021, the applicant requested an increase to the application area from 0.028 hectares to 0.037 hectares of native vegetation. DWER advertised the revised application of 0.037 hectares on 27 January 2021 for 7 days. No submissions were received.

In making this decision, the Delegated Officer had regard for the site characteristics (see Appendix A), relevant datasets (see Appendix E1), the clearing principles set out in Schedule 5 of the EP Act (see Appendix B), relevant planning instruments and any other matters considered relevant to the assessment (see Section 3).

In particular, the Delegated Officer determined:

- the clearing is not like to have a significant impact to conservation significant fauna.
- the vegetation within the application area is not likely to comprise Threatened or priority flora.
- the proposed clearing is not likely to significantly impact conservation significant ecological communities.
- the proposed clearing has the potential to introduce and spread of weeds and dieback into adjacent vegetation, which could impact on the quality of the adjacent vegetation and its habitat values; and
- the proposed clearing has the potential to cause land degradation in the form of wind erosion.

In determining to grant a clearing permit subject to conditions, the Delegated Officer found that the proposed clearing is not likely to lead to an unacceptable risk to the environment. The Delegated Officer decided to grant a clearing permit subject to conditions to:

- avoid, minimise to reduce the impacts and extent of clearing
- take hygiene steps to minimise the risk of the introduction and spread of weeds and dieback
- take wind erosion management steps to minimise the risk of erosion
- rehabilitate and revegetate areas no longer required for the purpose for which they were cleared.

1.5. Site map

Figure 1 Map of the application area

The area cross-hatched yellow indicates the area authorised to be cleared under the granted clearing permit.

2 Legislative context

The clearing of native vegetation in Western Australia is regulated under the EP Act and the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* (Clearing Regulations).

In addition to the matters considered in accordance with section 51O of the EP Act (see Section 1.4), the Delegated Officer has also had regard to the objects and principles under section 4A of the EP Act, particularly:

- the precautionary principle
- the principle of intergenerational equity
- the principle of the conservation of biological diversity and ecological integrity.

Other legislation of relevance for this assessment include:

- *Biodiversity Conservation Act 2016* (WA) (BC Act)
- *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth) (EPBC Act).

The key guidance documents which inform this assessment are:

- *A guide to the assessment of applications to clear native vegetation* (DER, December 2013)
- *Procedure: Native vegetation clearing permits* (DWER, October 2019).

3 Detailed assessment of application

3.1. Avoidance and mitigation measures

The applicant had considered pushing the pipeline through the dune to avoid disturbing native vegetation (888 Abalone Pty Ltd, 2020). However, determined that installing the pipe without removing the dune is outside the expertise and would increase the safety risk to the farm (888 Abalone Pty Ltd, 2020). The applicant advised that this approach may split the current pipes, resulting in an uncontrolled erosion event (888 Abalone Pty Ltd, 2020).

3.2. Assessment of impacts on environmental values

In assessing the application, the Delegated Officer has had regard for the site characteristics (see Appendix A) and the extent to which the impacts of the proposed clearing present a risk to biological, conservation, or land and water resource values.

The assessment against the clearing principles (see Appendix B) identified the impacts of the proposed clearing are limited and able to be managed to be environmentally acceptable with standard avoid and minimise, erosion and hygiene management conditions.

3.3. Relevant planning instruments and other matters

The Shire of Jerramungup has provided conditional support for the proposed works and authority to access the land to undertake the proposed clearing (888 Abalone Pty Ltd, 2020).

No Aboriginal sites of significance have been mapped within the application area. It is the permit holder's responsibility to comply with the *Aboriginal Heritage Act 1972* (WA) and ensure that no Aboriginal Sites of Significance are damaged through the clearing process.

Appendix A. Site characteristics

A.1. Site characteristics

Characteristic	Details
Local context	The area proposed to be cleared is part of an expansive tract of coastal native vegetation in the intensive land use zone of Western Australia. The application area is zoned as a reserve for recreation and open space. The land use in the broader context comprises land for recreation and open space, and extensive remnant vegetation. The existing abalone farm is situated directly west and the Indian Ocean to the east of the application area. Aerial imagery indicates the local area (20-kilometre radius from the centre of the area proposed to be cleared) retains more than 30 per cent of the original native vegetation cover.
Ecological linkage	The application area is mapped within strategic zone A of the South Coast Macro Corridor ecological linkage. The nearest mapped Environmentally Sensitive Area is located approximately 2.5 kilometres west of the application area. The vegetation within the application area forms part of a larger extent of remnant vegetation within the dune structure.
Conservation areas	There are no conservation areas mapped within the application area. Glasse Island Nature Reserve and the Fitzgerald National Park are located approximately 1.8 kilometres east and 2.5 kilometres west from the application area, respectively.
Vegetation description	Photographs supplied by the applicant indicate the vegetation within the proposed clearing area consists of coastal dune vegetation in good to very good condition. Representative photos are available in Appendix D and appear consistent with the mapped Beard vegetation association 50, described as shrublands; dwarf scrub on granite (south coast) with flora described as *Acacia* spp., *Eremophila* spp., *Senna* spp. (Shepherd et al, 2001). The mapped vegetation type and local area retains approximately 97 per cent (Government of Western Australia, 2019) and 31.2 per cent of the original native vegetation extent, respectively.
Vegetation condition	Photographs supplied by the applicant indicate the vegetation within the proposed clearing area is in good to very good condition (Keighery, 1994), described as: • Good: Vegetation structure significantly altered by very obvious signs of multiple disturbances. Retains basic vegetation structure or ability to regenerate it. For example, disturbance to vegetation structure caused by very frequent fires, the presence of some very aggressive weeds at high density, partial clearing, dieback and/or grazing (Keighery, 1994). • Very good: Vegetation structure altered, with obvious signs of disturbance. For example, disturbance to vegetation structure caused by repeated fires, the presence of some more aggressive weeds, dieback, logging and/or grazing (Keighery, 1994). The full Keighery (1994) condition rating scale is provided in Appendix C. Representative photos are available in Appendix D.
Climate and landform	The proposed clearing area occurs at an elevation of five (5) metres Australian Height Datum (AHD). The average rainfall and evapotranspiration rate for the area is 700 and 600 millimetres, respectively. Annual mean maximum temperature is 22.1°C and annual mean minimum temperature is 9.3°C.
Soil description	The soil within the application area is mapped within the Meerup 1 Subsystem, described as parabolic sand dunes.
Waterbodies	The desktop assessment and aerial imagery indicates there are no mapped wetlands or watercourses within the application area. The Indian Ocean is situated directly east from the application area. The nearest mapped watercourse is a non-perennial minor river located approximately 2.7 kilometres north west from the application area. The closest mapped wetland is Gnornbup Swamp located approximately 2.5 kilometres north west from the application area.

Characteristic	Details
Hydrogeography	The application area is mapped within the Bremer Bay Groundwater Area. The salinity of groundwater within the application area ranges from 3,000-7,000 milligrams per litre total dissolved solids.
Flora	There are 29 conservation significant flora within the local area (20 kilometre radius), comprising 26 priority and three Threatened flora taxa. The nearest priority flora records include *Boronia clavata* subsp. *clavate* (threatened), *Sphaerolobium validum* (priority 3), *Trymalium litorale* (Priority 1), *Eucalyptus nutans* (threatened), *Hibbertia acrotrichion* (Priority 2) and *Schoenus* sp. *Grey Rhizome* (K.L. Wilson 2922) (Priority 1), located approximately 3.3 kilometres from the application area (Western Australian Herbarium, 1998). These species occur within different soil and vegetation types to those within the application area. Three Threatened flora have been recorded in the local area. The nearest records of *Boronia clavata* subsp. *clavate* and *Eucalyptus nutans* occur within approximately 3.4 kilometres from the application area. *Boronia clavate* has been recorded within approximately 7.1 kilometres from the application area (Western Australian Herbarium, 1998). These Threatened flora taxa occur within different soil and vegetation types to those within the application area.
Ecological communities	Two conservation significant communities have been mapped within the local area including: • Subtropical and Temperate Coastal Saltmarsh (Priority 3) listed as vulnerable under the EPBC Act; and • Proteaceae dominated kwongkan shrublands of the southeast coastal floristic province of Western Australia (Priority 3), listed as endangered under the EPBC Act. A mapped occurrence of the subtropical and temperate coastal saltmarsh occurs approximately 3.7 kilometres north west from the application area. According to available datasets, no mapped occurrences of wetlands or hydrological features occur over the application area. The application area is not likely to represent this ecological community. A mapped occurrence of the Proteaceae dominated kwongkan shrublands is located adjacent to the application area and is approximately 1.7 hectares in size. However, the vegetation immediately west of the application area has been cleared for farming operations and is therefore is not representative of this ecological community. Approximately 74,337 hectares of Proteaceae Dominated Kwongkan Shrubland has been mapped within the local area. The Proteaceae dominated kwongkan shrublands community is typically characterised by Proteaceae species having 30 per cent or greater cover across all layers where these shrubs occur (TSSC, 2014). Based on representative photographs provided by the applicant, the vegetation within the application area is likely dominated by *Leucopogon parviflorus* and is not likely to comprise a Proteaceae species cover of 30 per cent or more. The vegetation within the application area is not likely to represent this ecological community.
Fauna	Available datasets indicate there are 53 conservation significant fauna records within the local area. The nearest records include *Limosa limosa* (black-tailed godwit) listed under an international agreement and *Dasyurus geoffroii* (chuditch; vulnerable), located approximately 0.5 kilometres from the application area.

Appendix B. Assessment against the clearing principles

Assessment against the clearing principles	Variance level	Is further consideration required?
Environmental value: biological values		
Principle (a): *"Native vegetation should not be cleared if it comprises a high level of biodiversity."* Assessment: The vegetation proposed to be cleared does not comprise locally or regionally significant flora, fauna or habitats. According to available datasets, the 29 conservation significant flora taxa have been recorded within the local area, comprising 26 priority and three Threatened flora taxa. These flora taxa occur within different soil and vegetation types to those mapped within the application area. A mapped occurrence of the Proteaceae Dominated Kwongkan Shrubland (Priority 3) ecological community is situated directly adjacent to the application area, however aerial imagery indicates a portion of this occurrence immediately west of the application area has been cleared for farming operations. The vegetation within the application area is not likely to represent this vegetation community. Noting the extent of this ecological community mapped within the local area and the disturbed nature of the vegetation adjacent to the application area, the proposed clearing of 0.037 hectares of native vegetation is not likely to significantly impact the conservation status of this ecological community within the local area. The vegetation within the application area may provide suitable habitat for conservation significant fauna, such as chuditch and migratory bird species. However, noting the extent of clearing proposed, the vegetation within the application area is not likely to comprise significant habitat for conservation significant fauna. The proposed clearing has the potential to increase the spread of weeds and dieback into adjacent native vegetation. The implementation of the following management measures on the clearing permit will mitigate potential impacts to adjacent native vegetation and help restore fauna habitat: • Weed management strategies during the clearing. • Revegetation and rehabilitation of areas no longer required for the purpose for which they were cleared, within three months of clearing such areas.	Not likely to be at variance	No
Principle (b): *"Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna."* Assessment: The vegetation proposed to be cleared does not comprise significant foraging, roosting, breeding or critical habitat for conservation significant fauna.	Not likely to be at variance	No
Principle (c): *"Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, threatened flora."* Assessment: The area proposed to be cleared is not likely to comprise habitat for flora species listed under the BC Act.	Not likely to be at variance	No
Principle (d): *"Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a threatened ecological community."* Assessment: The area proposed to be cleared does not comprise species that indicate a threatened ecological community listed under the BC Act.	Not likely to be at variance	No

Assessment against the clearing principles	Variance level	Is further consideration required?
Environmental value: significant remnant vegetation and conservation areas		
Principle (e): *"Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared."* Assessment: The extent of the mapped vegetation type (97 per cent) and remnant native vegetation in the local area (31.2 per cent) is consistent with the national objectives and targets for biodiversity conservation in Australia. The vegetation proposed to be cleared is not considered to be part of a significant ecological linkage in the local area.	Not likely to be at variance	No
Principle (h): *"Native vegetation should not be cleared if the clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation area."* Assessment: Given the distance to the nearest conservation area, the proposed clearing is not likely to have an impact on the environmental values of nearby conservation areas.	Not likely to be at variance	No
Environmental value: land and water resources		
Principle (f): *"Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland."* Assessment: Given no watercourses or wetlands are recorded within two kilometres of the application area, the proposed clearing is not likely to impact on- or off-site hydrology and water quality. The Indian Ocean is situated directly east from the application area.	Not likely to be at variance	No
Principle (g): *"Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation."* Assessment: Soils mapped within the application area are susceptible to wind erosion. Noting the extent of the application area and the condition of the vegetation, the proposed clearing is not likely to have an appreciable impact on land degradation. The implementation of the following management measures will be required on the clearing permit to mitigate potential impacts to soils from wind erosion: • The commencement of pipe installation activities within 3 months of clearing. • The revegetation and rehabilitation of areas no longer required for the purpose for which they were cleared, within three months of clearing such areas.	Not likely to be at variance	No
Principle (i): *"Native vegetation should not be cleared if the clearing of the vegetation is likely to cause deterioration in the quality of surface or underground water."* Assessment: Given no watercourses, wetlands or Public Drinking Water Sources Areas are recorded within two kilometres of the application area, the proposed clearing is not likely to impact surface or ground water quality.	Not likely to be at variance	No
Principle (j): *"Native vegetation should not be cleared if the clearing of the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding."* Assessment: The mapped soils and topographic contours in the surrounding area do not indicate the proposed clearing is likely to contribute to increased incidence or intensity of flooding. Given no watercourses or wetlands are recorded within two kilometres of the application area, the proposed clearing not likely to contribute to waterlogging.	Not likely to be at variance	No

Appendix C. Vegetation condition rating scale

Vegetation condition is a rating given to a defined area of vegetation to categorise and rank disturbance related to human activities. The rating refers to the degree of change in the vegetation structure, density and species present in relation to undisturbed vegetation of the same type. The degree of disturbance impacts upon the vegetation's ability to regenerate. Disturbance at a site can be a cumulative effect from a number of interacting disturbance types.

Measuring vegetation condition for the South West and Interzone Botanical Province (Keighery, 1994)

Condition	Description
Pristine	Pristine or nearly so, no obvious signs of disturbance.
Excellent	Vegetation structure intact, with disturbance affecting individual species; weeds are non-aggressive species.
Very good	Vegetation structure altered, with obvious signs of disturbance. For example, disturbance to vegetation structure caused by repeated fires, the presence of some more aggressive weeds, dieback, logging and/or grazing.
Good	Vegetation structure significantly altered by very obvious signs of multiple disturbances. Retains basic vegetation structure or ability to regenerate it. For example, disturbance to vegetation structure caused by very frequent fires, the presence of some very aggressive weeds at high density, partial clearing, dieback and/or grazing.
Degraded	Basic vegetation structure severely impacted by disturbance. Scope for regeneration but not to a state approaching good condition without intensive management. For example, disturbance to vegetation structure caused by very frequent fires, the presence of very aggressive weeds, partial clearing, dieback and/or grazing.
Completely degraded	The structure of the vegetation is no longer intact and the area is completely or almost completely without native species. These areas are often described as 'parkland cleared' with the flora comprising weed or crop species with isolated native trees or shrubs.

Appendix D. Photographs of the vegetation


Figure D1: Representative photographs of vegetation within the application area provided by the applicant.

Appendix E. Sources of information

E1. GIS databases

Publicly available GIS Databases used (sourced from www.data.wa.gov.au):

- 10 Metre Contours (DPIRD-073)
- Aboriginal Heritage Places (DPLH-001)
- Cadastre (LGATE-218)
- Cadastre Address (LGATE-002)
- Contours (DPIRD-073)
- DBCA – Lands of Interest (DBCA-012)
- DBCA Legislated Lands and Waters (DBCA-011)
- Directory of Important Wetlands in Australia – Western Australia (DBCA-045)
- Environmentally Sensitive Areas (DWER-046)
- Flood Risk (DPIRD-007)
- Groundwater Salinity Statewide (DWER-026)
- Hydrography – Inland Waters – Waterlines
- Hydrological Zones of Western Australia (DPIRD-069)
- IBRA Vegetation Statistics
- Imagery
- Local Planning Scheme – Zones and Reserves (DPLH-071)
- Native Title (ILUA) (LGATE-067)
- Offsets Register – Offsets (DWER-078)
- Pre-European Vegetation Statistics
- Public Drinking Water Source Areas (DWER-033)
- Ramsar Sites (DBCA-010)
- Regional Parks (DBCA-026)
- Remnant Vegetation, All Areas
- RIWI Act, Groundwater Areas (DWER-034)
- RIWI Act, Surface Water Areas and Irrigation Districts (DWER-037)
- Soil Landscape Land Quality – Flood Risk (DPIRD-007)
- Soil Landscape Land Quality – Phosphorus Export Risk (DPIRD-010)
- Soil Landscape Land Quality – Subsurface Acidification Risk (DPIRD-011)
- Soil Landscape Land Quality – Water Erosion Risk (DPIRD-013)
- Soil Landscape Land Quality – Water Repellence Risk (DPIRD-014)
- Soil Landscape Land Quality – Waterlogging Risk (DPIRD-015)
- Soil Landscape Land Quality – Wind Erosion Risk (DPIRD-016)
- Soil Landscape Mapping – Best Available
- Soil Landscape Mapping – Systems
- Wheatbelt Wetlands Stage 1 (DBCA-021).

Restricted GIS Databases used:

- ICMS (Incident Complaints Management System) – Points and Polygons
- Threatened Flora (TPFL)
- Threatened Flora (WAHerb)
- Threatened Fauna
- Threatened Ecological Communities and Priority Ecological Communities
- Threatened Ecological Communities and Priority Ecological Communities (Buffers).

E2. References

888 Abalone Pty Ltd (2020) *Clearing permit application CPS 9108/1*, received 11 November 2020 (DWER Ref: A1952672).

888 Abalone Pty Ltd (2021) *Supporting information for clearing permit application CPS 9108/1,* received 22 January 2021 (DWER Ref: A1984092).

Commonwealth of Australia (2001) *National Objectives and Targets for Biodiversity Conservation 2001-2005*, Canberra.

Department of Environment Regulation (DER) (2013). *A guide to the assessment of applications to clear native vegetation*. Perth. Available from: https://www.der.wa.gov.au/images/documents/your-environment/native-vegetation/Guidelines/Guide2_assessment_native_veg.pdf.

Department of Water and Environmental Regulation (DWER) (2019). *Procedure: Native vegetation clearing permits*. Joondalup. Available from: https://dwer.wa.gov.au/sites/default/files/Procedure_Native_vegetation_clearing_permits_v1.PDF.

Government of Western Australia. (2019) *2018 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of March 2019.* WA Department of Biodiversity, Conservation and Attractions. https://catalogue.data.wa.gov.au/dataset/dbca-statewide-vegetation-statistics

Keighery, B.J. (1994) *Bushland Plant Survey: A Guide to Plant Community Survey for the Community*. Wildflower Society of WA (Inc). Nedlands, Western Australia.

Shepherd, D.P., Beeston, G.R. and Hopkins, A.J.M. (2001) *Native Vegetation in Western Australia, Extent, Type* and Status. Resource Management Technical Report 249. Department of Agriculture, Western Australia.

Threatened Species Scientific Committee (TSSC; 2014). Approved Conservation Advice for Proteaceae Dominated Kwongkan Shrublands of the southeast coastal floristic province of Western Australia. Canberra: Department of the Environment. Available from: http://www.environment.gov.au/biodiversity/threatened/communities/pubs/126-conservation-advice.pdf.

Western Australian Herbarium (1998-). *FloraBase - the Western Australian Flora*. Department of Biodiversity, Conservation and Attractions, Western Australia. https://florabase.dpaw.wa.gov.au/ (Accessed December 2020).