



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: CPS 9142/1
File Number: DWERVT7164
Duration of Permit: From 14 April 2021 to 14 April 2023

PERMIT HOLDER

Mr Terry Donnelly

LAND ON WHICH CLEARING IS TO BE DONE

Lot 5 on Plan 4841, North Yunderup

AUTHORISED ACTIVITY

The permit holder must not clear more than one native tree within the area cross-hatched yellow in Figure 1 of Schedule 1.

CONDITIONS

1. Weed and dieback management

When undertaking any clearing authorised under this permit, the permit holder must take the following measures to minimise the risk of 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.

1. Records that must be kept

The permit holder must maintain records relating to the listed relevant matters in accordance with the specifications detailed in Table 1.

Table 1: Records that must be kept

No.	Relevant matter	Specifications
1.	In relation to the authorised clearing activities generally	(a) the date that the area was cleared; and (b) actions taken to minimise the risk of the introduction and spread of weeds and dieback in accordance with condition 1.

2. Reporting

The permit holder must provide to the *CEO* the records required under condition 3 of this permit when requested by the *CEO*.

DEFINITIONS

In this permit, the terms in Table have the meanings defined.

Table 2: Definitions

Term	Definition
CEO	Chief Executive Officer of the department responsible for the administration of the clearing provisions under the <i>Environmental Protection Act 1986</i> .
clearing	has the meaning given under section 3(1) of the EP Act.
condition	a condition to which this clearing permit is subject under section 51H of the EP Act.
dieback	means the effect of <i>Phytophthora</i> species on native vegetation.
department	means the department established under section 35 of the <i>Public Sector Management Act 1994</i> (WA) and designated as responsible for the administration of the EP Act, which includes Part V Division 3.
EP Act	<i>Environmental Protection Act 1986</i> (WA)
native vegetation	has the meaning given under section 3(1) and section 51A of the EP Act.

weeds	means any plant – (a) that is a declared pest under section 22 of the <i>Biosecurity and Agriculture Management Act 2007</i> ; 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.
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END OF CONDITIONS

MEENU VITARANA
A/MANAGER
NATIVE VEGETATION REGULATION

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

22 March 2021

Schedule 1

The boundary of the area authorised to be cleared is shown in the map below (Figure 1).



Figure 1: Map of the boundary of the area within which clearing may occur



Clearing Permit Decision Report

1. Application details and outcome

1.1. Permit application details

Permit number:	CPS 9142/1
Permit type:	Area Permit
Applicant name:	Terry Donnelly
Purpose of clearing:	Constructing footings for a replacement structure
Property:	Lot 5 on Plan 4841, North Yunderup
Location (LGA area/s):	Shire of Murray

1.2. Description of clearing activities

The application proposes to selectively clear one (1) native tree within Lot 5 on Plan 4841 for the purpose of Constructing footings for a replacement structure due to storm damage.

1.3. Decision on application and key considerations

Decision:	Granted
Decision date:	22 March 2021
Decision area:	One (1) native tree

1.4. Reasons for decision

This clearing permit application was made in accordance with section 51E of the *Environmental Protection Act 1986* (EP Act) and was received by the Department of Water and Environmental Regulation (DWER) on 9 December 2020. DWER advertised the application for public comment for a period of 7 days. No submissions were received.

In undertaking the assessment, the Delegated Officer had regard for the site characteristics, relevant datasets, photographs of the vegetation, the clearing principles set out in Schedule 5 of the EP Act, and any other matters considered relevant to the assessment. The assessment identified that the proposed clearing will not have negligible impact on habitat for flora, fauna and ecological communities, conservation areas or wetlands.

The assessment identified that the proposed clearing may result in the potential introduction and spread of weeds and dieback into adjacent vegetation, which could impact on the quality of the adjacent vegetation and its habitat values. The assessment also identified that there would be a loss of vegetation growing in association with a wetland (estuary / river). The Delegated Officer considered the impacts of the proposed clearing are not likely to have any long-term adverse impacts on the hydrological and ecological values of the wetland or watercourse.

After consideration of the available information, the Delegated Officer determined that the proposed clearing is not likely to lead to an unacceptable risk to the environment and that weed and dieback management practices will mitigate any potential impacts to adjacent vegetation. The Delegated Officer decided to grant a clearing permit subject to conditions to take hygiene steps to minimise the risk of the introduction and spread of weeds.

2. Assessment of application

2.1. Avoidance and mitigation measures

The applicant has advised that the proposed clearing will be limited to the clearing of one tree (Figure 1). While no evidence of avoidance or mitigation measures was provided to support the application, noting the small scale and low impact of the clearing it was deemed that no further consideration is required to minimise impacts on environmental values.



Figure 1. Representative photographs of the application area provided by the applicant

2.2. Assessment

The assessment against the ten clearing principles identified that the native vegetation proposed to be cleared is not likely to provide habitat for conservation significant flora and fauna, and does not contain or form a part of a threatened or priority ecological community. At the bioregion (Swan Coastal Plain) and local (10 kilometre radius from the perimeter of the application area) scale, over 10 per cent of the pre-European vegetation extent remains.

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-European settlement, below which species loss appears to accelerate exponentially at an ecosystem level (Commonwealth of Australia, 2001). The Environmental Protection Authority (EPA, 2008) recognises the Peel Region Scheme to be a constrained area, within which a minimum 10 per cent representation threshold for ecological communities is recommended. At the bioregion (Swan Coastal Plain) and local (10 kilometre radius from the perimeter of the application area) scale, more than 30 per cent and 10 per cent of the pre-European vegetation extent remains, respectively. Noting the above, the vegetation within the application area is not considered to occur within an extensively cleared area.

The application area is situated within a mapped occurrence of an Environmentally Sensitive Area associated with a multiple use geomorphic wetland (estuary-peripheral). The proposed clearing has the potential to increase the spread of weeds and dieback into adjacent native vegetation. The implementation of weed management strategies during the clearing will mitigate impacts to adjacent vegetation.

The nearest conservation area is a conservation park (R 38749) located over 1.3 kilometres south from the application area and the proposed clearing is not likely to impact on the environmental values of this area. The proposed clearing is not likely to lead to appreciable land degradation, impact surface water or groundwater quality, or increase the risk of flooding. Noting the application area comprises vegetation associated with a wetland / watercourse the proposed clearing is at variance to principle (f). The proposed clearing is not likely to significantly impact the structural stability of the watercourse or deteriorate water quality. The impacts are not considered significant.

Based on the above, the proposed clearing may be at variance to principle f and is not likely to be at variance with the remaining clearing principles.

The Shire of Murray (2021) did not have any objections to the proposed clearing and noted activities involving the clearing of riparian vegetation are generally referred to the DWER regional waterway branch. Lot 5 on Plan 4841, North Yunderup, is located within the Murray River System Surface Water Area, as proclaimed under the *Rights in Water and Irrigation Act 1914* (RIWI Act; DWER 2021). DWER (2021) advised that any activities interfering with the bed or banks of the watercourse, such as construction of footings for a jetty or boardwalk, will require a permit from DWER.

The applicant must consider other relevant authorisations required for the proposed land use including any approval required by the relevant Local Government Authority and / or under the *Planning and Development Act 2005* and the RIWI Act. It is noted that the application area is located within Murray River System Surface Water Area, as

proclaimed under the RIWI Act. The applicant is required to obtain a permit to interfere with bed and banks of a watercourse prior to undertaking the clearing of native vegetation.

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 - References and databases

1. GIS datasets

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

- Aboriginal Heritage Places (DPLH-001)
- Cadastre Address (LGATE-002)
- 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)
- IBRA Vegetation Statistics
- Regional Parks (DBCA-026)

Restricted GIS Databases used:

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

2. References

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

Environmental Protection Authority (EPA) (2008) *Environmental Guidance for Planning and Development Guidance Statement No 33*. Environmental Protection Authority, Western Australia.

Department of Water and Environmental Regulation (DWER) (2021) *Water advice from DWER regarding clearing permit application CPS 9142/1* (DWER Ref DWERDT406554).

Shire of Murray (2021). *Advice from the Shire of Murray to the Department of Water Environmental Regulation regarding clearing permit application CPS 9142/1*. Received by DWER on 1 February 2021 (DWER Ref A1985603).

Terry Donnelly (2020). *Area permit application form and supporting information for Clearing Permit Application CPS 9142/1* (DWER Reference DWERDT389329).