GOVERNMENT OF
WESTERN AUSTRALIA

CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: CPS 9617/1
File Number: DWERVT9649
Duration of Permit: From 12/08/2022 to 12/08/2024

PERMIT HOLDER

Drainflow Services Pty Ltd

LAND ON WHICH CLEARING IS TO BE DONE

Lot 403 on Deposited Plan 68671, Beermullah

AUTHORISED ACTIVITY

The permit holder must not clear more than 11 native trees within the area cross-hatched yellow in Figure 1 of Schedule 1.

CONDITIONS

1. Avoid, minimise, and reduce impacts and extent of clearing

In determining the *native vegetation* authorised to be cleared under this permit, the permit holder must apply the following principles, set out in descending 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. 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.

3. 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 species composition, structure, and density of the cleared area; (b) the location where the clearing occurred, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994/2020 (GDA94/GDA2020), expressing the geographical coordinates in Eastings and Northings; (c) the date that the area was cleared; (d) the size of the area cleared (number of trees); and (e) actions taken to avoid, minimise, and reduce the impacts and extent of clearing in accordance with condition 1 and (f) actions taken to minimise the risk of the introduction and spread of *weeds* and *dieback* in accordance with condition 2.

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

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 *Environmental Protection Act 1986*.
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 *Phytophthora* species on native vegetation.
department	means the department established under section 35 of the *Public Sector Management Act 1994* (WA) and designated as responsible for the administration of the EP Act, which includes Part V Division 3.
EP Act	*Environmental Protection Act 1986* (WA)
fill	means material used to increase the ground level, or to fill a depression
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.
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 *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.

END OF CONDITIONS

JBurton

Jessica Burton
A/MANAGER
NATIVE VEGETATION REGULATION

Officer delegated under Section 20
of the Environmental Protection Act 1986

18 July 2022

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

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 9617/1
Permit type:	Area permit
Applicant name:	Drainflow Services Pty Ltd
Application received:	18 February 2022
Application area:	11 native trees
Purpose of clearing:	Replanting
Method of clearing:	Mechanical
Property:	Lot 403 on Deposited Plan 68671
Location (LGA area/s):	Shire of Gingin
Localities (suburb/s):	Beermullah

1.2. Description of clearing activities

The application is for the proposed clearing of 11 native trees (Xantharroea species) within Lot 403 on Deposited Plan 68671, Beermullah. for the purpose of replanting as a decorative feature.

The relocation of the trees is a symbolic tie of the busniesses two premises; the composting facility at Beermullah and the waste management facility in Malaga. The species were selected by the applicant for their adaptability to the climate and their long-term minimal water requirements (Drainflow Services Pty Ltd, 2022).

The application is to selectively clear trees to be relocated at another premises. The proposed clearing is 11 trees in total which are spread within an area of remnant vegetation.

1.3. Decision on application

Decision:	Granted
Decision date:	18 July 2022
Decision area:	11 native trees, 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 for 21 days and no submissions were received.

In making this decision, the Delegated Officer had regard for the site characteristics (see Appendix A), relevant datasets (see Appendix E.1), photographs provided by the applicant (see Appendix D), 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).

The assessment identified that the proposed clearing will result in:

- the potential introduction and spread of weeds into adjacent vegetation, which could impact on the quality of the adjacent vegetation and its habitat values which comprises of the TEC 'Banksia Dominated Woodlands of the Swan Coastal Plain IBRA Region'.

After consideration of the available information, as well as the applicant's minimisation and mitigation measures (see Section 3.1), the Delegated Officer determined the proposed clearing is unlikely to lead to long term adverse impacts on the adjacent vegetation and can be minimised and managed to unlikely lead to an unacceptable risk to environmental values.

The Delegated Officer decided to grant a clearing permit subject to conditions to:

- avoid, minimise to reduce the impacts and extent of clearing; and
- take hygiene steps to minimise the risk of the introduction and spread of weeds

1.5. Site map

Figure 1 Map of the application area it is noted that some of the trees are located within close proximity to each other and are jointly covered by the yellow hatched areas.

Figure 2: Showing the count of the trees as numbered (11 in total)

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)
- *Conservation and Land Management Act 1984* (WA) (CALM Act)
- *Country Areas Water Supply Act 1947* (WA) (CAWS Act)
- *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (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

Evidence was submitted by the applicant, demonstrating that the proposed clearing is for the removal of 11 individual trees only and does not include the removal of understory.

Furthermore, the applicant has noted the following:

- the trees being removed are to be replanted at other locations rather than just being felled/cleared so it is intended that the trees will survive at another location
- the survival of the trees is reinforced through soil testing at the relocation sites
- once re-established the trees have a low water requirement and are adapted to the climate
- the removal of the trees will be undertaken by staff who have agricultural experience and will assist in ensuring the removal is successful in extracting the root system with minimal disturbance to the surrounding area.

The Delegated Officer was satisfied that the applicant has made a reasonable effort to avoid and minimise potential impacts of the proposed clearing on environmental values.

3.2. Assessment of impacts on environmental values

In assessing the application, the Delegated Officer has had regard for the site characteristics (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 that the impacts of the proposed clearing present a risk to the adjacent vegetation. The consideration of this impact, and the extent to which it can be managed through conditions applied in line with sections 51H and 51I of the EP Act, is set out below.

3.2.1. Biological values (Threatened Ecological Communities) - Clearing Principle (d)

Assessment

The application area is within a mapped occurrence of Banksia Dominated Woodlands of the Swan Coastal Plain IBRA Region threatened ecological community (TEC) which is described as having canopy that is most commonly dominated or co-dominated by *Banksia attenuata and/or B. menziesii.* Other Banksia species that can dominate in the community are *B. prionotes or B.ilicifolia.* It typically occurs on well drained, low nutrient soils on sandplain landforms, particularly deep Bassendean and Spearwood sands and occasionally on Quindalup sands; it is also common on sandy colluvium and aeolian sands of the Ridge Hill Shelf, Whicher Scarp and Dandaragan Plateau and, in other less common scenarios. The description, area and condition thresholds that apply to the EPBC-listed TEC of the same name, also apply to this Priority ecological community. Noting the photographs provided by the applicant (see Appendix D), the vegetation within the application area appears to be representative of this community.

The mapped extent of the patch of the TEC in which the application area is within is over 29,000 hectares in size with a large portion of this being within the Moore River National Park.

Noting the application is for the removal of 11 trees only, the proposed clearing is not likely to have a significant impact on the TEC as a whole but may have a short term impact at minimal local scale with the disturbance having a possibility of introducing weeds and/or dieback.

Conclusion

For the reasons set out above, it is considered that the impacts of the proposed clearing on the adjacent vegetation can be managed by taking steps to minimise the risk of the introduction and spread of weeds and dieback to ensure the proposed clearing does not constitute a significant residual impact.

Conditions

To address the above impacts, the following management measures will be required as conditions on the clearing permit:

- Avoid and minimise clearing
- Weed and dieback management – to minimise the risk of introduction and spread of weeds and dieback.

3.3. Relevant planning instruments and other matters

The Shire of Gingin advised DWER that local government approvals are not required, and that the proposed clearing is minor and is not in contravention of any of the existing development approvals and therefore the Shire has no objection (Shire of Gingin, 2022).

Consideration was given to the *Biodiversity Conservation Regulations 2018*. It is noted that under the legislation, A licence is not required to take flora from the owner's property for personal use, or to give this flora including firewood away (e.g. to family or friends who do not intend to sell it).

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.

End

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 native vegetation in the intensive land use zone of Western Australia. It is surrounded by remnant vegetation. Spatial data indicates the local area (10-kilometre radius from the centre of the area proposed to be cleared) retains approximately 52 per cent of the original native vegetation cover.
Ecological linkage	The application area is not within any mapped ecological linkages and is not likely to impact local linkages given it is within a large patch of remnant which facilitates movement.
Conservation areas	There is land mapped as DBCA lands of interest within 85 meters of the application area. This land is recognised to be managed by DBCA but not vested under any Act that is administered by DBCA.
Vegetation description	Photographs supplied by the applicant indicate the vegetation within the proposed clearing area consists of an open canopy of *Banksia attenuata, Banksia menziesii*. and Eucalyptus sp. with an understory of *Xanthorrea* sp, *Zamia* sp and numerous woody herbaceous species. Representative photographs are available in Appendix D. This is consistent with the mapped vegetation type(s): • Bassendean complex north, which is described as; Vegetation ranges from a low open forest and low open woodland of Banksia species *Eucalyptus todtiana* (Pricklybark) to low woodland of Melaleuca species and sedgelands which occupy the moister sites. The mapped vegetation type retains approximately 71 per cent of the original extent (Government of Western Australia, 2019).
Vegetation condition	Photographs provided by the applicant indicate the vegetation within the proposed clearing area is good to very good (Keighery, 1994) condition, described as: • 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. The full Keighery (1994) condition rating scale is provided in Appendix C. Representative photos are available in Appendix D.
Climate and landform	The application area appears to be within a flat landscape mapped at around 65 meters according to the Australian Height Datum. The annual average rainfall (taken from Gingin Airport) is 620 millimetres.
Soil description	The soil is mapped as Bassendean phase 6 + 7 which is described as light grey sand to depth between 90-150 cm overlaying pale yellow to yellow sand and Bleached sands, co-dominant
Land degradation risk	The mapped soil type has a high risk of subsurface acidification and moderate risk of wind erosion, water logging and phosphorus export risk. The mapped soil type has low risk of other forms of land degradation.

Characteristic	Details
Waterbodies	The desktop assessment and aerial imagery indicated that the nearest waterbody to the application area is a conservation category dampland located approximately 150 meters from the application area.
Hydrogeography	The application area is not within any proclaimed areas under the RIWI Act. The mapped groundwater salinity is 500-1000 milligrams per litre total dissolved solids which is considered fresh to marginal.
Flora	According to available databases, 26 conservation significant flora species have been recorded within the local area. The closest recoding is of *Verticordia paludosa*, a Priority 4 species located approximately 1.4 kilometres from the application area in similar soil and vegetation types as the application area.
Ecological communities	The application area is within a mapped occurrence of Banksia Dominated Woodlands of the Swan Coastal Plain IBRA Region which is endangered under the EPBC Act and listed as Priority 3 by Department of Biodiversity Conservation and Attractions.
Fauna	According to available databases, eight conservation significant fauna species have been recorded within the local area. The most frequently occurring is *Calyptorhynchus latirostris* (Carnaby's Cockatoo). The closest fauna record to the application is also of this species.

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 area proposed to be cleared does not contain locally or regionally significant flora, fauna, habitats or assemblages of plants. The application area is mapped as the 'Banksia Dominated Woodlands of the Swan Coastal Plain IBRA Region' (Priority 3) priority ecological community (PEC). This community is also a Commonwealth listed TEC so is discussed within Principle (d)	May 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 area proposed to be cleared does not contain foraging, roosting, breeding, critical, significant 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 unlikely to contain 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 application area is mapped as an occurrence of the TEC, 'Banksia Dominated Woodlands of the Swan Coastal Plain IBRA Region' which is listed as endangered under the EPBC Act. The impact to this TEC is considered to be minimal.	At variance	Yes *Refer to Section 3.2.1, above.*

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 and the native vegetation in the local area 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 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 water courses or wetlands are recorded within 150 meters the application area, the proposed clearing is unlikely to impact on- or off-site hydrology and water quality.	Not 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: The mapped soils are highly susceptible to subsurface acidification, moderately susceptible to wind erosion, waterlogging and phosphorus export risk and low risk of other forms of land degradation. Noting the extent of the application area and the condition and extent of the remaining vegetation, the proposed clearing is not likely to have an appreciable impact on land degradation.	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 water courses or wetlands are recorded within 150 meters the application area, the proposed clearing is unlikely 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 water courses or wetlands are recorded within 150 meters of the application area, the proposed clearing is unlikely 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.

Considering its location, the scale below was used to measure the condition of the vegetation proposed to be cleared. This scale has been extracted from Keighery, B.J. (1994) *Bushland Plant Survey: A Guide to Plant Community Survey for the Community*. Wildflower Society of WA (Inc). Nedlands, Western Australia.

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

Figures 3- 14 below were provided by the applicant (Drainflow Services Pty Ltd, 2022)

Figure 3: Drone photo of trees to be cleared

Figure 4: Drone photo of trees to be cleared

Figure 5: Drone photo of trees to be cleared

Figure 6: Drone photo of trees to be cleared

Figure 7: Drone photo of trees to be cleared

Figure 8: Drone photo of trees to be cleared

Figure 9: Photograph showing the representative vegetation type

Figure 10: Photograph showing the representative vegetation type

Figure 11: Photograph showing the representative vegetation type

Figure 12: Photograph showing the representative vegetation type

Figure 13: Photograph showing the representative vegetation type

Figure 14: Photograph showing the representative vegetation type

Appendix E. Sources of information

E.1. GIS databases

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

- 10 Metre Contours (DPIRD-073)
- Aboriginal Heritage Places (DPLH-001)
- 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)

E.2. References

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

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