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 9676/1
Permit type:	Area permit
Applicant name:	City of Wanneroo
Application received:	29 March 2022
Application area:	0.0025 hectares of native vegetation
Purpose of clearing:	Extend and repair the southern staircase to Fisherman's Hollow
Method of clearing:	Mechanical removal
Property:	Lot 520 on Deposited Plan 406005 (Reserve Number 12439)
Location (LGA area/s):	City of Wanneroo
Localities (suburb/s):	Yanchep

1.2. Description of clearing activities

The vegetation proposed to be cleared is contained within a single contiguous area on the frontal dune of the Yanchep foreshore, near Fisherman's Hollow. The proposed clearing is in order to allow for the extension and repairs of the existing beach access Fisherman's Hollow Twin Staircase (southern arm) (see Figure 1, Section 1.5).

The Fisherman's Hollow twin staircase extension project has been prioritised by the City of Wanneroo (CoW) as the structure currently poses a safety risk to the public. Significant erosion was experienced along the Yanchep coastline following winter storms in 2021. At the base of the Fisherman's Hollow twin staircase structure, erosion resulted in an unsafe, 1.5m drop from the base of the southern arm of the structure to the beach. To remediate this issue, an extension is proposed to be installed onto the southern arm of the staircase to provide ongoing safe access to the beach (CoW, 2022).

1.3. Decision on application

Decision:	Granted
Decision date:	25 August 2022
Decision area:	0.0025 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 for 14 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), the site photographs and environmental impact assessment provided (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 Delegated Officer also took into

consideration that due to the current 1.5 meter drop from the base of the staircase to the beach, the access is unsafe for public use.

The assessment identified that the proposed clearing will result in:

- the loss of 0.0025 hectares of native vegetation within a Bush Forever site, and
- 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.

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 have long-term adverse impacts to environmental values. With regard for the extent of the proposed clearing, the degraded condition of the vegetation, that the area has been previously cleared, and the applicant's proposed revegetation of temporary cleared areas, it is considered the proposed clearing is unlikely to have a significant environmental impact on the bush forever site.

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

- avoid, minimise and reduce the impacts and extent of clearing,
- revegetate and rehabilitate areas of temporary disturbance, and
- implement hygiene measures to minimise the risk of the introduction and spread of weeds and dieback.

1.5. Site map

Figure 1 Map of the application area

The areas crosshatched yellow indicate the areas 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* (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

The proposed works are required to ensure safe, ongoing access to the beach for the community. While clearing will be minimal and avoided as much as possible, some clearing will be required for the installation of foundation piles for the structure. Smaller equipment will be utilised where necessary to minimise the construction footprint and required vegetation to be cleared (CoW, 2022).

For the foundation of the structure extension, screw piles have been selected as the preferred piling methodology to limit the extent of clearing necessary to complete the project. Traditional piles require significant clearing to achieve an adequate depth while screw piles require limited clearing within the pile footprint to install (CoW, 2022). Clearing at the site will be limited to what is necessary for piling and the structure footprint. The purpose of the permit is to allow for clearing in the instance that the vegetation is damaged or cleared during construction. The applicant has indicated that rehabilitation of bare areas will be undertaken utilising the native species identified in the vegetation assessment (CoW, 2022).

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 (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**Error! Reference source not found.**) identified that the impacts of the proposed clearing present a risk to conservation areas. The consideration of these impacts, and the extent to which they can be managed through conditions applied in line with sections 51H and 51I of the EP Act, is set out below.

3.2.1. Conservation Areas - Clearing Principle (h)

The application area is located within Bush Forever 397, Yanchep Foreshore Reserve. Bush Forever sites were identified on the basis of criteria relating to conservation value and were selected based on the following criteria:

- A number of areas selected to represent the range of ecological communities and the places in which these communities merge
- areas with a high diversity of flora and/or fauna species or species of restricted distribution
- areas containing rare or threatened communities or species or species of restricted distribution
- maintenance of ecological systems or natural processes
- protection of wetland, streamline, coastal vegetation, conservation category wetlands including fringing vegetation and associated upland vegetation.

State Planning Policy 2.8 Bushland Policy for the Perth Metropolitan Region sets out that proposals and decision-making in respect of Bush Forever areas should support a general presumption against the clearing of regionally significant bushland or other degrading activities, except where a proposal or decision is consistent with the overall purpose and intent of the existing Crown reserve or can be reasonably justified with regard to wider environmental, social, economic or recreational needs (clause 5.1.2.1(i)(e)). The Policy also sets out that unavoidable adverse impacts on regionally significant bushland within a Bush Forever area should be offset at a ratio of at least 1:1 in habitat hectares.

With regard for the extent of the proposed clearing, the low species diversity, weed load and that the area has been previously cleared, it is considered the proposed clearing is unlikely to have a significant environmental impact on Bush Forever Site 397. In addition, the applicant has committed to the revegetation of temporary cleared areas.

The proposed clearing area is also not considered to be necessary for the protection of foreshore vegetation and associated upland vegetation. In addition, the proposed works are considered to be consistent with the intent of the reserve and provide a recreational and social benefit. On this basis, it is considered that the proposed clearing does not constitute a significant residual impact and that an offset is not required for impacts to the Bush Forever Site.

The proposed clearing may introduce and spread weeds and dieback into this conservation area, which could impact on its habitat quality. A weed and dieback management during clearing, will minimise this risk.

Conclusion

For the reasons set out above, the proposed clearing is not likely to significantly impact vegetation growing within a conservation area. However, it is considered that the threat from the potential introduction and spread of weeds and dieback remain.

Conditions

To address these impacts, the following management measure will be required as a condition on the clearing permit:

- weed and dieback management measures to mitigate impacts to adjacent vegetation.
- revegetation of temporarily cleared areas.

3.3. Relevant planning instruments and other matters

Yanchep Beach is mapped an Aboriginal Sites and Heritage place. 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

The information provided below describes the key characteristics of the area proposed to be cleared and is based on the best information available to DWER at the time of this assessment. This information was used to inform the assessment of the clearing against the Clearing Principles, contained in Appendix B.

Characteristic	Details
Local context	The area proposed to be cleared is part of a part of an expansive tract of native vegetation in the intensive land use zone of Western Australia. It forms part of the Yanchep Foreshore Reserve near Fisherman's Hollow and is directly adjacent to the existing southern arm of the staircase allow for beach access. It forms part of the foreshore reserve and bushland, with Newman and Picnic Cove Parks to the east and coastal areas north and south. Spatial data indicates the local area (10-kilometre radius from the centre of the area proposed to be cleared) retains approximately 64.65 per cent of the original native vegetation cover.
Ecological linkage	The proposed clearing area is within the Yanchep Foreshore Reserve and is both, an Environmentally Sensitive Area, and Bush Forever 397 and forms part of the Gnangara Mound and Perth Regional Ecological Linkages.
Conservation areas	The Yanchep National Park is located approximately 4 km east (inland) of the application area, separated by residential development. The proposed clearing occurs within the Bush Forever site 397 ' Coastal Strip from Wilbinga to Mindarie'.
Vegetation description	Supporting information supplied by the applicant indicate the vegetation within the proposed clearing area is dominated mainly by three native species: *Olearia axillaris, Ficinia nodosa* and *Spinifex longfolius*; and one weed species: *Tetragonia decumbens*. Representative photos and supporting information submitted with the application are available in Appendix D. This is inconsistent with the Swan Coastal Plain mapped vegetation type(s): • Heddle Quindalup vegetation complex is described as: Coastal dune complex consisting mainly of two alliances - the strand and fore-dune alliance and the mobile and stable dune alliance. Local variations include the low closed forest of *Melaleuca lanceolata* (Rottnest Teatree) - *Callitris preissii* (Rottnest Island Pine) and the closed scrub of *Acacia rostellifera* (Summer-scented Wattle) (Heddle et al, 1980). The mapped vegetation type retains approximately 60.49 per cent of the original extent (Government of Western Australia, 2019
Vegetation condition	Supporting information and photographs supplied by the applicant indicates the vegetation within the proposed clearing area is in majority Degraded to small areas of Good condition (Keighery, 1994) condition. The full Keighery (1994) condition rating scale is provided in Appendix C. Supporting information supplied by the applicant is available in Appendix D.
Climate and landform	Rainfall: ~730.9 millimetres per year.
Soil description	The soil is mapped as Quindalup South youngest dune Phase (211Qu__Q4) described as coastal dunes of the Swan Coastal Plain with calcareous deeps sands and yellow sands. Irregular dunes with slopes up to 20%. Loose pale brown calcareous sand with no soil profile development. Coastal scrub.

Characteristic	Details
Land degradation risk	The application area is located on the frontal coastal dune and is prone to water and wind erosion.
Waterbodies	The desktop assessment and aerial imagery indicated that no wetlands or water courses are located within the the area proposed to be cleared.
Hydrogeography	The application area is within the Perth Groundwater Area proclaimed under the *Rights in Water and Irrigation Act 1914* (RiWI Act). The application area does not fall within surface water area proclaimed under the RiWI Act and does not fall within an area subject to the *Country Areas Water Supply Act 1917*, nor does it occur within a Public Drinking Water Source Area.
Flora	21 priority flora have been recorded in the local area. The nearest record is approximately 800 metres (*Eucalyptus argutifolia* (Threatened)) from the application area. The applicant undertook a vegetation assessment of the proposed clearing area on 4 February 2022. No threatened or priority flora were identified within the application area (CoW, 2022).
Ecological communities	The proposed clearing site is located approximately 1.8 kilometres away from the 'Tuart (Eucalyptus gomphocephala) woodlands and forests of the Swan Coastal Plain' (TEC) listed under the EPBC Act.
Fauna	There are records of 38 fauna of conservation significance within the local area, of which 10 are migratory bird species and 7 are marine based species. The nearest land-based record is of Graceful sunmoth *(Synemon gratiosa)* 460 meters from the location. The application is not considered to contain significant habitat for conservation significant fauna recorded within the local 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: Noting the vegetation condition, species composition and the small extent of clearing proposed, the vegetation within the application area does not comprise significant habitat for conservation significant flora or fauna, unique assemblage of plants and therefore does not contain a high level of biodiversity.	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: Noting the small extent of clearing proposed and the vegetation type and condition, the vegetation within the application area is not likely to comprise significant habitat for 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: Given the degraded condition and vegetation composition, the vegetation within the application area is not likely to represent critical habitat for threatened flora.	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 contain species that can indicate a threatened ecological community.	Not likely to be at variance	No
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 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: The application area is located within Bush Forever site 397, Yanchep Foreshore Reserve. Given the composition of the vegetation proposed to be cleared and the minimal clearing that will occur, it is unlikely the clearing will compromise the environmental values of this Bush Forever site.	May be at variance	Yes *Refer to Section 3.2.1, above*

Assessment against the clearing principles	Variance level	Is further consideration required?
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 the application area, the proposed clearing is unlikely to impact on- or off-site hydrology and water quality.	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: The mapped soils are susceptible to wind and water erosion. Noting the extent of the application area and the proposed construction methods, 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 are recorded within 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: Given no water courses are recorded within 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.

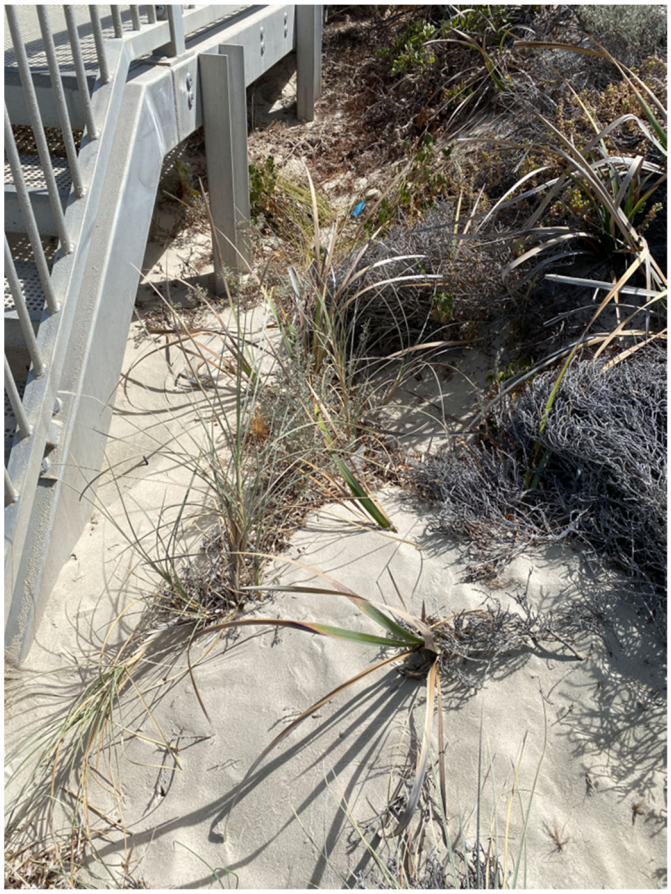
Considering its location, the scale below was used to measure the condition of the vegetation proposed to be cleared. This scale has been extracted from Keighery, B.J. (1994) *Bushland Plant Survey: A Guide to Plant Community Survey for the Community*. Wildflower Society of WA (Inc). Nedlands, Western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

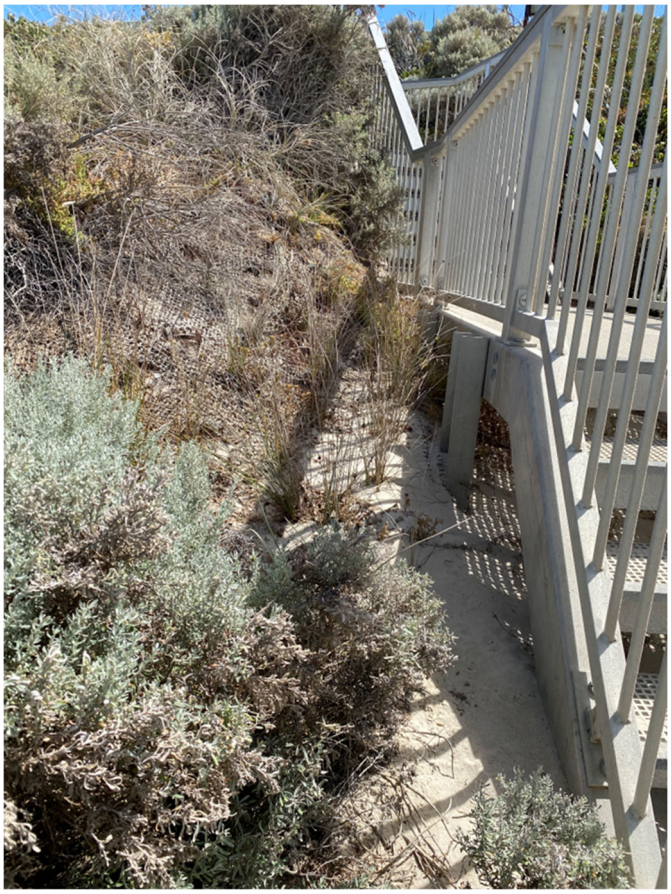
Measuring vegetation condition for the South West and Interzone Botanical Province (Keighery, 1994)

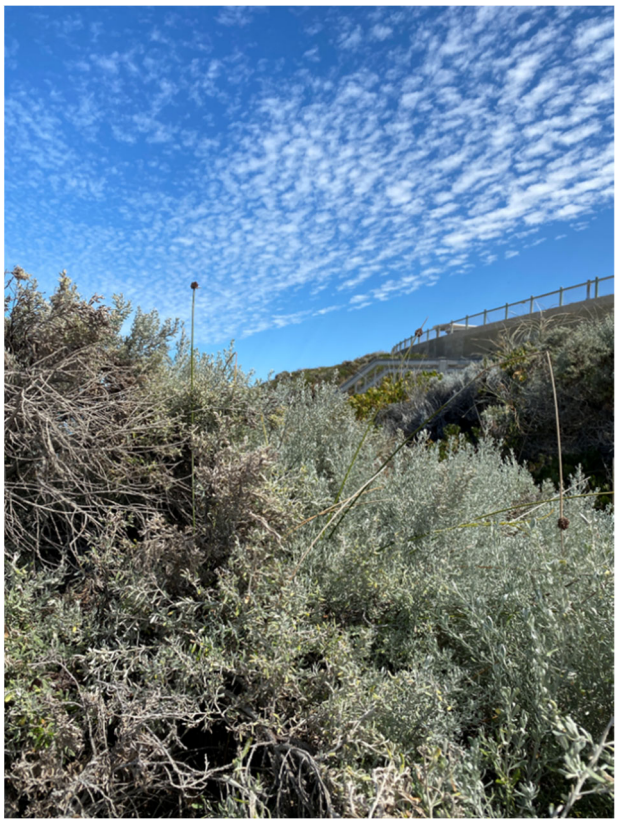
Condition	Description
Pristine	Pristine or nearly so, no obvious signs of disturbance.
Excellent	Vegetation structure intact, with disturbance affecting individual species; weeds are non-aggressive species.
Very good	Vegetation structure altered, with obvious signs of disturbance. For example, disturbance to vegetation structure caused by repeated fires, the presence of some more aggressive weeds, dieback, logging and/or grazing.

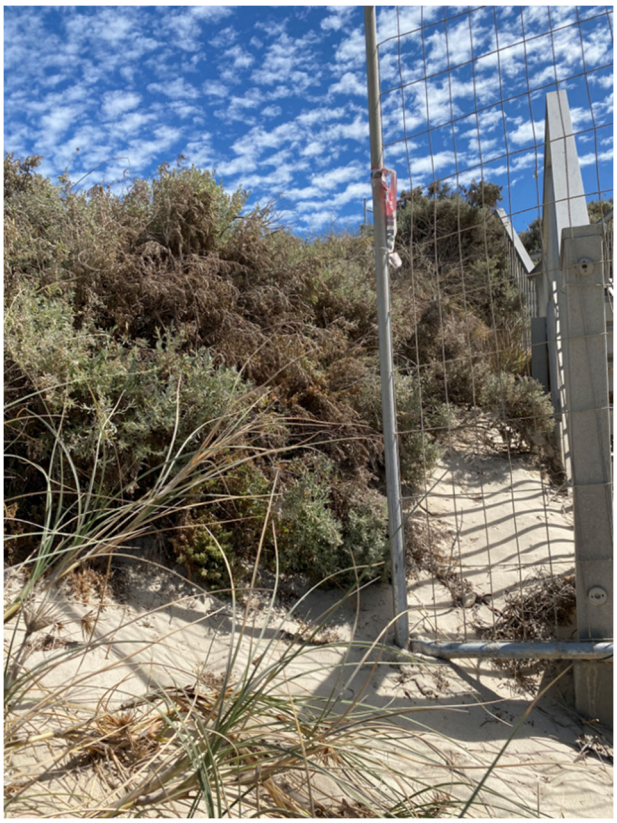
Condition	Description
Good	Vegetation structure significantly altered by very obvious signs of multiple disturbances. Retains basic vegetation structure or ability to regenerate it. For example, disturbance to vegetation structure caused by very frequent fires, the presence of some very aggressive weeds 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.

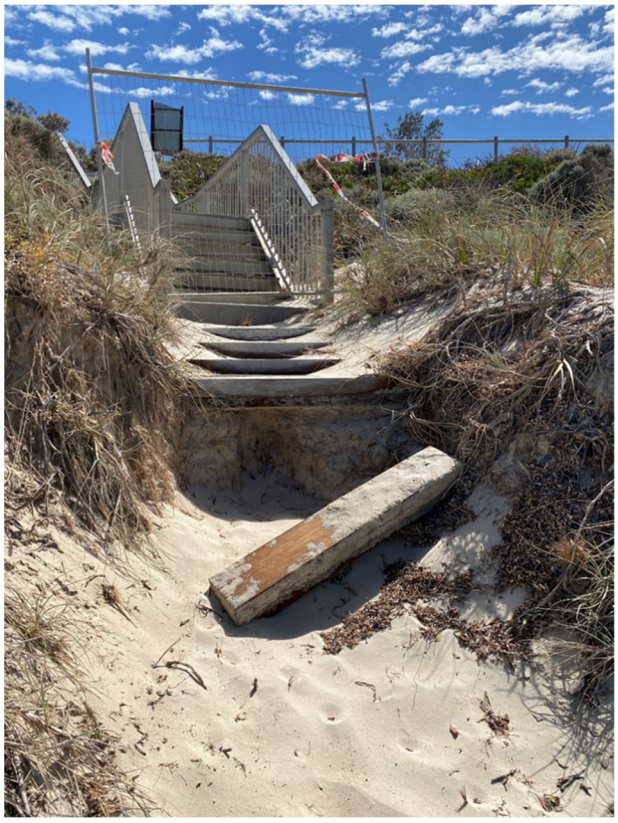
Appendix D. Photographs of the vegetation

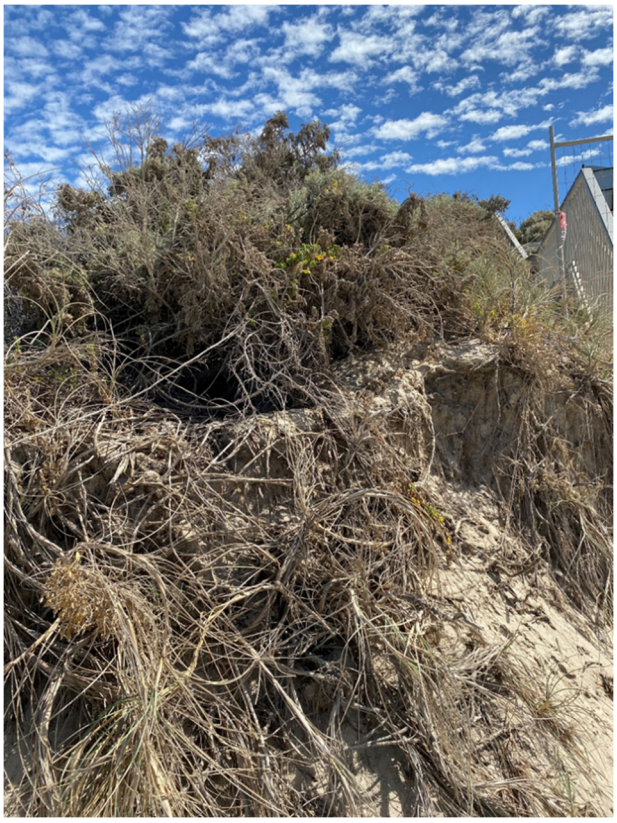












Appendix E. Sources of information

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

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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