

15<sup>th</sup> September 2022

Native Vegetation Regulation  
Department of Water and Environmental Regulation  
[info@dwer.wa.gov.au](mailto:info@dwer.wa.gov.au)

CC: Pennie Patane [REDACTED]

To whom it may concern,

**RE: (SW416) Production horticulture in Lot 8 Rigg Road, Myalup: Clearing Permit application (2.29 ha)**

On behalf of the landowner (Patane Farms Pty Ltd) of Lot 8, Rigg Road, Myalup, please find attached a Clearing (Area) Permit Application for the clearing of circa 2.29 ha of native vegetation, within a total development footprint of 12.91 ha, as required under the *Environmental Protection Act 1986* (EP Act).

As you are aware the project, for a proposed clearing area of 6.28 hectares of native vegetation within Lot 6 and 8, had previously been referred to the federal Department of Agriculture, Water and the Environment (DAWE) (EPBC Ref: 2020/8827 and CPS 9252-1) and withdrawn due to the high environmental values within Lot 6. A revised area is now proposed in line with DWER correspondence (dated 22<sup>nd</sup> December 2021) which supported a preliminary revised area and offset calculations.

Please see attached a brief summary of the proposed impacts and work to date, for your convenience.

If you have any questions regarding the application, please contact me on [REDACTED].

Yours sincerely,  
Shane Priddle,

A handwritten signature in black ink, appearing to read 'Shane Priddle', written in a cursive style.

Principal Consultant  
SW Environmental

[REDACTED]

# ATTACHMENT 1

## PROJECT DESCRIPTION

The project is located within the rural locality of Myalup, on the southern Swan Coastal Plain, approximately 27 km north of Bunbury. Lot 8 is located within a broader coastal agricultural landscape within the Swan Coastal Plain. Lot 8, herein referred to as the 'project area', has a history of heavy cattle grazing. Vegetation consists of mostly Marri (*Corymbia calophylla*) (Lot 8) and some Peppermint (*Agonis flexuosa*) paddock trees with no native understory and little midstorey remaining within the project area.

The proposed activity includes a production horticulture development, covering an area of 12.91 ha in Lot 8. The project footprint will require the clearing of 2.29 ha of native vegetation (based on paddock tree canopies). An additional 0.44 ha of non-native vegetation or clearing under exemptions will also be cleared.

Lot 8 is zoned General Farming under the Shire's District Planning Scheme No. 1 (Scheme). Development Approval from the Shire as Viticulture/Horticulture is an "AA" use under the Scheme which means it is a discretionary use. On 25 March 2022 the Shire of Harvey approved the Development Application subject to conditions (Application No: P125/21). The owner/applicant has applied to the SAT to a condition of the Shire's approval relating to the area to be cleared (Condition 6).

Lot 8 is also zoned Rural under the Greater Bunbury Region Scheme (GBRS). The GBRS is prepared by the Western Australian Planning Commission (WAPC) and is the overarching document which controls planning and development matters within the Shire of Harvey. This document guides the general zonings for the Shire, in addition to development patterns and permissible landuses (Shire of Harvey 2020).

The project has also been referred to the federal Department of Climate Change, Energy, the Environment and Water, to be assessed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Please note that a bilateral assessment is not proposed should the project be deemed a 'controlled action'.

## CLEARING AREA AND EXEMPTIONS

Exemptions for prescribed low impact day-to-day activities as prescribed in the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (Clearing Regulations)* (under section 51B of the EP Act) are relevant for this project. A review of the project location indicates that there are no Environmentally Sensitive Areas (ESA's) mapped within the project site.

The following exemptions have been applied

- 0.41 ha Clearing for fence lines (Regulation 5, Item 10)
- 0.05 ha Clearing of isolated trees (Regulation 5 Item 19)

## KEY IMPACTS

The project area has been previously subject to preliminary assessment by DWER through CPS 9252-1. The project area is highly disturbed. Key aspects within Lot 8 identified by DWER / DCCEEW from CPS 9252-1 were related to fauna values. These are discussed in further detail below.

Structural flora and vegetation surveys identified that the vegetation within the application area is in a completely degraded condition, with mostly only paddock trees remaining over the proposed clearing footprint. Fauna habitat values are generally low due to the site having been historically cleared and heavily grazed. Native flora within the area under application includes mostly paddock trees of Marri (*Corymbia calophylla*), Jarrah (*Eucalyptus marginata*), Peppermint (*Agonis flexuosa*), Flooded Gum (*Eucalyptus rudis*), occasional Paperbark (*Melaleuca rhaphiophylla*), *Acacia saligna*, with planted *Eucalyptus sp.* over weeds/ pasture grass.

Local fauna records (Naturemap 2020), supplemented by species that may occur locally from other literature, identified a total of 228 terrestrial species that have been recorded locally, with birds by far the most abundant class. SW Environmental (2020, as provided) recorded 27 birds, five mammals, three of which are introduced (Cow, Fox and Rabbit) and one reptile from Lot 8 and the nearby Lot 6. The species are common locally, with the exceptions of Carnaby's cockatoo, Forest Red Tailed Black Cockatoo (FRTBC) and WRP which are fauna of conservation significance. The fauna habitat quality within the study area was mostly poor, or poor to moderate in areas

not being cleared, due to the limited structural and species diversity. Fauna habitat opportunities were therefore limited for most threatened fauna.

### **Baudin's cockatoo (*Calyptorhynchus baudinii*)**

The project site is located within an area mapped as 'the species is likely to occur' in the Referral Guidelines (Australian Government 2022). The site is located just to the north of the mapped likely breeding distribution (Australian Government 2022). Black cockatoo surveys (SW Environmental 2020) identified that the study area may contain foraging habitat for Baudin's cockatoo. However, no feed sign was observed.

### **Carnaby's cockatoo (*Calyptorhynchus latirostris*) and Forest red-tailed black cockatoo (*Calyptorhynchus banksii naso*) (FRTBC)**

Approximately 99 suitable table DBH trees occur within the clearing footprint, including 2 dead, 2 Flooded gum, 10 Jarrah, 85 Marri.

There were no trees with hollows likely to be currently suitable for black cockatoo breeding in Lot 8. Three Marri trees contained hollows with characteristics that were considered unsuitable for black cockatoo breeding. The remaining suitable DBH trees within the clearing footprint did not contain hollows (SW Environmental 2020).

The nearest known black cockatoo breeding tree occurs within Lot 6, approximately 650m north west of the development envelope (SW Environmental 2020). While breeding, black cockatoos will generally forage within a 6–12 km radius of their nesting site (Australian Government 2022). There is potential for indirect impacts on locally breeding black cockatoos due to the potential loss of local foraging habitat.

Feed residue (chewed Marri cones) were observed within the study area within Lot 8, in low abundances from Carnaby's cockatoo and FRTBC. Marri and Jarrah are plant species foraging known to be utilised by Carnaby's cockatoo and FRTBC. The canopy areas of key foraging plants, Jarrah and Marri, account for 1.83 ha within the development envelope (note there is some overlap).

There was no evidence of roosts observed at the site.

### **Western Ringtail Possum (WRP) (*Pseudocheirus occidentalis*)**

No WRP were identified during the nocturnal surveys within Lot 8 (SW Environmental 2020). One WRP was observed within a patch of Melaleuca and Peppermint outside of the proposed clearing area on the edge of Lot 8 during the diurnal survey.

The single WRP observed is likely to be using the eastern edge of Lot 8 as part of a larger connected patch off site to the west. The remainder of the Lot 8 clearing footprint is considered to be marginal quality in terms of WRP habitat due to the lack of connected canopy or midstorey (significantly increases risk of predation by foxes).

The clearing area is not located along a strategic corridor and is considered unlikely to provide significant habitat to any local populations of WRP.

### **Unlikely to be at variance**

The proposed impacts to black cockatoo habitat values in the short to medium term are associated with potential loss of foraging habitat.

Native vegetation, which may provide black cockatoo habitat values, in a local context has approximately 37% (13,000 ha) mapped remaining within 10 km of the study area (Government of Western Australia 2019) plus additional areas of pine forest. Approximately 18% (6,150 ha) of local lands within 10 km of the study area include DBCA managed reserves (SLIP 2020)(SW environmental 2020):

- Myalup State Forest 3,200 ha
- Yalgorup National Park 1,595 ha
- Other reserves 1,265 ha
- Byrd Swamp Nature Reserve 40 ha
- Crampton Nature Reserve 35 ha
- Wellard Nature Reserve 10 ha

The Myalup State Forest is the closest, sharing its western boundary with the eastern edge of Lot 8. Vegetation in Lots 8 is mapped as Yoongarillup Complex - Woodland to Tall Woodland and Open Forest from the Swan Coastal Plain Vegetation Complexes dataset (Government of WA 2020). At a high level this vegetation type may provide similar black cockatoo and foraging habitat values to those at the site. There is approximately 2,135 ha of this vegetation complex remaining within the locality (10 km) (Government of WA, 2020).

The total clearing of 1.83 ha of potential foraging habitat would account for approximately 0.10 % of this vegetation complex within 10 km.

Further the proposed 1.62 ha planting in Lot 8 will include black cockatoo foraging species. In the medium to long term the net loss of foraging plant canopy would therefore be approximately 0.33 ha.

In considering the impact at a site and local scales, within 1 km of the development envelope and within 5 km of the development envelope, there is a total of 186 ha and 4354 ha, respectively, of native vegetation or pine forest remaining that has potential to be high quality foraging habitat. This accounts for potential foraging resources within approximately 41% of the local lands within 1 km and 51% of the land within 5 km.

Based on these figures it is unlikely that the loss of less than 1.83 ha of potential foraging habitat would result in a significant impact to these species (accounting for a loss of approximately 1% of potential foraging habitat within 1 km, and less than 0.05% of vegetation within 5 km).

The loss of 1.83 ha of potential foraging habitat in the short term and 0.33 ha in the medium to long term is unlikely to be considered significant in either a site, local or wider context.

The patchy nature of the paddock trees and lack of connectivity would be improved by the proposal by connecting the grove of Peppermints where the WRP found to the more intact and connected wetland vegetation to the west of the lot through 1.62 ha of proposed mitigation planting (revegetation and buffer planting). From this perspective the proposal may actually have a positive impact on WRP in the medium and longer term. Proposed impacts to WRP are therefore considered to be low and not significant.

## **AVOIDANCE, MITIGATION AND OPTIONS TO REDUCE CLEARING**

### **Notes on proposed clearing area and offsets**

The native vegetation within the proposed clearing areas is in a completely degraded condition (EPA 2016) and existing as paddock trees, with little or no understorey having been heavily grazed.

The proposed clearing areas have been reduced from initial proposals following consultation with DWER and the Shire of Harvey. A number of trees have recently fallen during annual storms and there are areas of non-native vegetation (that do not provide black cockatoo or WRP habitat value) within the clearing footprint. These have been excluded from the clearing permit even though they are still visible on the aerial photo (Figures 2 and 3, attached).

The DWER clearing areas calculated provided in the DWER preliminary assessment do not account for the revegetation buffers (offsets) proposed to be planted in Lot 8 which will contribute to the long term biodiversity values of lot 8 as well as broader habitat connectivity at a local scale. These revegetation areas are considered 'mitigation' in relation to the overall proposed impacts.

As noted, the farming asset (proposed crop areas) directly overlays the geographical extent of the partially treed areas. A further reduction in area will render the project unviable. Environmental offsets in accordance with Principle 1 of the WA Environmental Offsets Policy (2011) will be developed for residual impacts, if required. These will be developed with and to the satisfaction of DWER. Having significant landholdings available locally with native vegetation in a better condition to the areas proposed to be cleared, the Patane Farms Pty Ltd is confident that adequate offsets for the project are able to be provided. The presentation of an offset proposal at this stage is not proposed as the offset requirement will be dependent on the DWER assessment of residual impacts and associated calculations that will be derived from the offset calculator.

### **Revised areas**

The proposed clearing area is necessarily located over soils suitable for the purpose of horticulture. Many of the large trees along the edge of the development footprint will need to be cleared due to the unacceptable risk to human life (farm workers) if they were to be retained as individual isolated trees. Following consultation with DWER and the Shire of Harvey through the preliminary assessment process, the following mitigation measures have been adopted:

- The project footprint has been selected to minimize impacts on soils / land that are not critical to the project.
- Vegetation in the east of Lot 8 will be retained to provide a substantial vegetated corridor both within and off site.
- Vegetation along the western boundary of Lot 8 (where a single Western Ringtail Possum (WRP)) was observed will be retained.

- Mitigation planting (1.62 ha) is proposed to be carried out along the northern and north eastern boundaries of Lot 8 with local native provenance species. This will include suitable foraging plants for black cockatoos.
- At a broader level the mitigation planting will improve and enhance existing habitat linkage as well as black cockatoo and WRP habitat values locally, as well as provide screening from roads and houses and improve local visual amenity.
- The two large artificial dams will be retained, providing watering points for fauna.
- Reduced the total clearing of native vegetation to 2.29 ha.
- Increased the proposed planting buffers in the north and north west of Lot 8 to 20 m from the verge (40 m width to adjacent properties), totalling 1.62 ha. This will involve the retention of approximately 29 DBH trees and 14 other trees (Melaleuca, Peppermints and smaller Marri). They will provide a significant buffer from houses in the north, improve visual amenity and enhance black cockatoo and WRP habitat, and also enhance habitat connectivity between the area of WRP habitat and the wetland system to the east.

The proposed project impacts and mitigation planting are presented in Attachment 1.

Environmental offsets will be proposed in accordance with Principle 1 of the WA Environmental Offsets Policy (2011), if required. These will be developed with and to the satisfaction of DWER. Having significant landholding available locally with native vegetation in a better condition to the areas proposed to be cleared, Patane Farms Pty Ltd is confident that they will be able to provide adequate offsets for the project.

### **Black cockatoos**

The project area provides potential foraging habitat for Carnaby's cockatoo and FRTBC only. Baudin's cockatoo are likely to only use Lot 8 for foraging (based on expert advice from Tony Kirkby, SW Environmental 2020).

Direct impacts to critical aspects have been avoided where possible within the development area. The following values are noted

- Vegetation in the east of Lot 8 will be retained to retain potential foraging habitat. Vegetation along the western boundary of Lot 8 will also be retained.
- Mitigation planting (1.62 ha) is proposed to be carried out along the northern and north eastern boundaries of Lot 8 with local native provenance species. This will include suitable foraging plants for black cockatoos.
- Increased the proposed planting buffers in the north and north west of Lot 8 to 20 m from the verge (40 m width to adjacent properties), totalling 1.62 ha. This will involve the retention of approximately 29 DBH trees and 14 other trees (Melaleuca, Peppermints and smaller Marri). They will provide a significant buffer from houses in the north, improve visual amenity and enhance black cockatoo and WRP habitat, and also enhance habitat connectivity between the area of WRP habitat and the wetland system to the east.
- At a broader level the mitigation planting will improve and enhance existing habitat linkage as well as black cockatoo habitat values locally, as well as provide screening from roads and houses and improve local visual amenity.
- The two large artificial dams will be retained, providing watering points for black cockatoos.
- Reduced the total clearing of native vegetation to 2.29 ha.

As part of the offsets proposed, Patane Farms Pty Ltd will commit to the installation of artificial hollows for future breeding, if required. The installation of artificial hollows within a known breeding locality will potentially provide additional resources to those available.

### **WRP**

Direct impacts to critical aspects have been avoided where possible, including retention of the WRP habitat in Lot 8. As noted in SW Environmental (2020) the isolated paddock trees in Lot 8 proposed to be cleared do not provide high value WRP habitat due to the lack of connection between trees (WRP are highly arboreal) and due to the subsequent high risk of predation. Key WRP habitat (i.e., vegetation where the animal was found) will be retained within Lot 8 along with the vegetated connection to the eastern wetland will be significantly enhanced through a proposed 40m wide connected vegetated corridor from the existing habitat. Further an additional 40m wide vegetated connection will be planted north of Rigg Road, connecting habitat off site.

These vegetated corridors may result in a long term net positive impact to WRP within lot 8. Combined with strategic revegetation of buffers linking vegetation offsite, overall impacts to WRP at the local level will also be positive.

### **Connectivity**

Revegetation, infill planting and clearing buffers are proposed through Lot 8 which would

- enhance overall existing local landscape connectivity, including boosting strategic connections between wetland areas (important arterial corridors for WRP and other fauna) that do not currently occur,
- link the intact native vegetation patch which is currently relatively isolated to other areas and eventually the wetland and landscape corridor east of Lot 8,
- improve habitat and vegetation values of existing areas that are currently grazed,
- improve the existing wetland function and onsite nutrient management.

Native vegetation within the proposed clearing areas is in a completely degraded condition (EPA 2016) and existing as mostly disconnected paddock trees, with little or no understorey having been heavily grazed. Paddock trees have limited habitat value for many faunal groups, particularly those that rely on understorey or midstorey for resources (refuge/cover, food etc). Many fauna would benefit from enhancement of part of the site with understorey and midstorey as proposed, including reptiles, amphibians, many birds, and most mammals (including target species such as WRP).