

20 November 2022

Department of Water and Environmental Regulation
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To Whom it May Concern,

RE – Lot 140 Lemerrier Road, Cookernup - Clearing Permit Application

Please find herein information pertaining to a clearing permit (area) application on behalf of Richard Lovegrove (the applicant). The applicant is seeking to improve onsite drainage and create a soak within their property at Lot 140 Lemerrier Road, Cookernup (herein referred to as the subject site). The works will entail clearing of 0.34 ha of native tree species. Accordingly, to enable the progression of the project, a clearing permit pursuant to the *Environmental Protection Act 1986* is required.

Background

The existing drainage channels within the subject site have undergone extensive, historical modification. Accordingly, the applicant is proposing to upgrade the existing drainage channel to improve flow, include nutrient stripping and add a soak. The realignment of the drainage channel will also enable irrigation of pasture via a pivot (refer to **Figure 1**). The proposed works will entail the clearing of scattered native trees which remain within the paddocks. Consultation with the Department of Water and Environmental Regulation (DWER) regarding the proposed drainage upgrade has been undertaken (pers. comm. [REDACTED]).

As per **Plates 1-2**, the majority of this vegetation is comprised of *Melaleuca raphiophylla* trees over pasture, with very occasional *Eucalyptus rudis* trees (approximately three trees) bordering the existing drainage channel.



Plate 1. *Melaleuca raphiophylla* trees within the clearing footprint.



Plate 2. Very occasional *Eucalyptus rudis* trees within the clearing footprint

Avoidance and Mitigation Measures

The clearing footprint has been specifically designed to avoid any potential impacts to paddock trees which may constitute potential black cockatoo habitat, given that the subject site does contain mature marri trees.

To avoid any direct or indirect impacts to other vegetation within or adjacent to the subject site, the applicant has committed to the following mitigation measures:

- Prior to clearing commencing, the clearing footprint will be clearly demarcated with flagging tape.

Impact Assessment

Any clearing of native vegetation requires a permit in accordance with Part V of the *Environmental Protection Act 1986* (EP Act), except where an exemption applies under Schedule 6 of the Act or is prescribed by regulation in the *Environmental Protection (Clearing Native Vegetation) Regulations 2004*.

The clearing of native vegetation for the purpose of upgrading the drainage channel and establishing a soak will require an approved clearing permit. Clearing applications are assessed against the Ten Clearing Principles outlined in Schedule 5 of the EP Act. These principles aim to ensure that all potential impacts resulting from the removal of native vegetation can be assessed in an integrated manner.

An examination of the Ten Clearing Principles based upon a site visit and desktop information is provided below.

Table 1: Assessment against the Ten Clearing Principles.

Principle	Assessment	Conclusion
<p>a.) Native vegetation should not be cleared if it comprises a high level of biological diversity</p>	<p>Vegetation mapping (DBCAs 2022) indicates that the original vegetation complex within the disturbance footprint would have included the Guildford Complex, described as:</p> <ul style="list-style-type: none"> • <i>Eucalyptus marginata</i> and woodland of <i>Eucalyptus wandoo</i> (with rare occurrences of <i>Eucalyptus lane-poolei</i>). Minor components include <i>Eucalyptus rudis</i> - <i>Melaleuca raphiophylla</i>. Occurs on fluvial deposits of the Swan Coastal Plain. <p>Vegetation Complex statistics for the Swan Coastal Plain indicate this vegetation complex is underrepresented.</p> <p>Vegetation within the clearing area is in a Completely Degraded (Keighery 1994) condition as a result of historical agricultural land uses. Accordingly, the sporadic trees within the clearing area are not representative of the Guildford Complex, and therefore no further reduction in this vegetation complex is anticipated as a result of this project.</p> <p>The clearing area does not contain any Priority or Threatened Ecological communities (PEC or TECs), or flora of conservation significance in consideration of its degraded condition and the ongoing land use (livestock grazing).</p> <p>As discussed under Principle (b), the clearing area is not likely to comprise significant habitat for the conservation significant black cockatoo species, or any conservation significant fauna species.</p> <p>The removal of less than 0.34 ha of Completely Degraded vegetation is unlikely to impact the biological diversity of the area.</p> <p>The proposal is not at variance to this Principle.</p>	<p>Based on the extent of disturbance within the clearing area, and the limited clearing footprint, the subject site is not likely to comprise high biodiversity. The proposed clearing is not at variance to this Principle.</p>
<p>b.) Native vegetation should not be cleared if it comprises the whole or part of, or is necessary for the maintenance of, a</p>	<p>A search of the Department of Biodiversity, Conservation and Attractions' (DBCAs) NatureMap database was undertaken to establish whether species declared as 'Rare or likely to become extinct' (Schedule 1), 'Birds protected under an international agreement' (Schedule 3) and 'Other specially protected fauna' (Schedule 4) as listed</p>	<p>Removal of vegetation within the subject site is not considered to be at variance to this Principle.</p>

Principle	Assessment	Conclusion
<p>significant habitat for fauna indigenous to Western Australia.</p> <p>c.) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, rare flora.</p>	<p>under the <i>Biodiversity Conservation Act 2016</i> (BC Act) have been recorded in proximity to the subject site. Five fauna species listed as Schedule 1 species and five Schedule 3 species have been recorded within a 5km radius of the subject site. Additionally, the DBCA Priority fauna database identified three Priority 3, three Priority 4 and two other specially protected fauna within this zone.</p> <p>The EPBC Act Protected Matters Search Tool also identified several threatened and migratory species that could potentially occur within or in proximity to the subject site. This included five species classified as Vulnerable, four Endangered species and two Critically Endangered species. Of the listed species one is a migratory bird species. Marine species identified within the search were not assessed given that the subject site is not in proximity to a marine environment.</p> <p>The highly disturbed environment of the subject site and limited clearing footprint is unlikely to present a significant impact to any fauna species of conservation significance. This includes the absence of suitable breeding and foraging habitat for black cockatoos within the clearing footprint.</p> <p>Given vegetation within the subject site is completely degraded and is limited in area, the subject site is not considered to provide significant habitat for conservation significant fauna recorded within the local area.</p>	
<p>c.) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, rare flora.</p>	<p>A search for known rare and Priority flora within or in proximity to the subject site was undertaken through review of the following databases:</p> <ul style="list-style-type: none"> • DBCA's NatureMap database; and • EPBC Act Protected Matters database. <p>A total of three Priority flora and one Declared Rare Flora species have been recorded within 5 km of the subject site. The EPBC Act Protected Matters database search returned two results for listed "Critically Endangered" species, six results for "Endangered" species and four results for "Vulnerable" flora species of which five have potential to occur within the subject site.</p>	<p>Removal of the vegetation within the subject site is not considered to be at variance with this Principle as no rare flora will be directly impacted.</p>

Principle	Assessment	Conclusion
	<p>Given the limited area of the subject site, the completely degraded condition of vegetation, and ongoing anthropogenic impacts, it is highly unlikely that any flora of conservation significance exists within the subject site. On this basis, the proposed clearing is not at variance to this Principle.</p>	
<p>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.</p>	<p>The DBCA defines an ecological community as “a naturally occurring assemblage that occurs in a particular type of habitat” (PWS 2015). A TEC is one that has declined in area or was originally limited in distribution. Uncommon ecological communities that do not strictly meet TEC defined criteria, or are inadequately defined, are listed by the DBCA as a PEC.</p> <p>As well as protection under State legislation, selected ecological communities are also afforded statutory protection at a Federal level pursuant to the EPBC Act. The EPBC Act provides for the protection of TECs, which are listed under section 181 of the Act, and are defined as “Critically Endangered”, “Endangered” or “Vulnerable” under Section 182.</p> <p>A search of the DBCA’s and EPBC databases found one PEC, and one TEC endorsed under State and Commonwealth legislation recorded within proximity to the subject site. This included the ‘Banksia Dominated Woodlands of the Swan Coastal Plain IBRA Region’ ecological community.</p> <p>The subject site does not contain any vegetation consistent with this PEC/TEC. On this basis, the subject site is not likely to comprise or be necessary for the maintenance of a TEC and therefore the proposed clearing is not at variance to this Principle.</p>	<p>Clearing of the subject site is not considered to be at variance to this Principle as vegetation consistent with the mapped TEC/PEC in proximity to the subject site is not present within the clearing area.</p>
<p>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.</p>	<p>Vegetation within the clearing area has previously been modified to an extent that it is not representative of a vegetation complex/association and provides negligible fauna habitat. Furthermore, the subject site does not comprise a high biological diversity, is not likely to impact upon significant habitat for fauna indigenous to Western Australia, priority or threatened flora and is not likely to comprise a PEC or TEC. On this basis the subject site is not considered to be a significant remnant within an extensively cleared landscape.</p> <p>The proposed clearing is not at variance to this Principle.</p>	<p>Clearing within the clearing area is not considered to be at variance to this Principle as the vegetation is not considered significant as a remnant of native vegetation.</p>

Principle	Assessment	Conclusion
<p>f.) Native vegetation should not be cleared if it is growing in, or in association with an environment associated with a watercourse or wetland.</p>	<p>The majority of the property, which is utilized for grazing, is mapped as a Multiple Use (MU) wetland (UFI 15,225), including the clearing area.</p> <p>MU wetlands are assessed as possessing few remaining ecological attributes and functions, which is characteristic of these mapped areas within the property. While such wetlands can still contribute to regional or landscape ecosystem management, including hydrological function, they are considered to have low intrinsic ecological value. Typically, they have minimal or no native vegetation remaining (less than 10%). Accordingly, there is no legislative requirement to protect or retain them and as such MU wetlands do not preclude development.</p> <p>The management objective for MU wetlands is to preserve the hydrological functions in the context of the proposed development (EPA 2008). The clearing is not proposing to alter the current hydrological process, and the removal of a limited number of <i>Melaleuca raphiophylla</i> trees will not impact the existing values of the MU wetland.</p> <p>The proposed clearing is not at variance to this Principle.</p>	<p>Clearing within the subject site is not considered to be at variance with this Principle as the removal of a limited number of <i>Melaleuca raphiophylla</i> trees will not impact the existing values of the MU wetland which is in a completely degraded condition.</p>
<p>g.) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.</p>	<p>The sandy soils present within the subject site can be prone to wind and water erosion. However, given the narrow and sporadic nature of the proposed clearing of vegetation, the proposed clearing is not likely to cause appreciable land degradation in the form of wind or water erosion.</p> <p>The proposed clearing is not likely to be at variance to this Principle.</p>	<p>Clearing of the subject site is not considered to be at variance to this Principle given the nature of the site and the proposed works.</p>
<p>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.</p>	<p>The proposed clearing will not result in any impacts to the environmental values of any adjacent or nearby conservation areas.</p> <p>In consideration of the above, the clearing is not at variance to this Principle.</p>	<p>The proposed clearing is not considered to be at variance to this Principle as there will be no direct or indirect impacts to conservation areas in proximity to the subject site.</p>
<p>i.) Native vegetation should not be cleared if the clearing of the</p>	<p>Clearing within the subject site is proposed to improve the surface water quality with the additional of a nutrient stripping drain and soak (to allow for settlement of solids).</p>	<p>The clearing is not considered to be at variance to this Principle as it will not</p>

Principle	Assessment	Conclusion
<p>vegetation is likely to cause deterioration in the quality of surface or underground water.</p>	<p>The project will not result in any groundwater interactions. The proposed clearing is not likely to be at variance to this Principle.</p>	<p>detrimentally alter natural surface water flows or involve groundwater interactions.</p>
<p>j.) Native vegetation should not be cleared if clearing the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.</p>	<p>The limited clearing along a previously disturbed area is highly unlikely to substantially increase runoff and therefore the incidence or intensity of flooding. The proposed clearing is not likely to be at variance to this Principle.</p>	<p>Clearing within the subject site is not considered to be at variance to this Principle as it is unlikely to increase run off and therefore intensity or incidence of flooding.</p>

Summary

The above assessment of the proposed clearing against the Ten Clearing Principles demonstrates that the clearing is not at variance to any of the Principles. Furthermore, given the completely degraded condition of the vegetation and the very small disturbance footprint, it is anticipated that there will be no residual impacts that will require the implementation of offsets.

I trust this information is sufficient for your purposes. Should you have any queries or require further information, please do not hesitate to contact the undersigned.

Yours sincerely,



FIGURES



PROJECT Lot 140 Lemercier Road, Cookernup

DRAWING TITLE Figure 1 - Site Extent

CLIENT Lovegrove Turf Pty Ltd

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Project Number 22108
Drawing Number Figure 1
Revision A
Date 31.10.2022
Sheet 1 of 1

Designed PN
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Checked
Approved Local Authority
Shire of Harvey