

Clearing Permit Decision Report

1 Application details and outcome

1.1. Permit application details

Permit number: CPS 9276/1

Permit type: Area permit

Applicant name: Mr Mark J Fisher and Mrs Judith A Fisher

Application received: 29 April 2021

Application area: Seven native trees

Purpose of clearing: Power Installation

Method of clearing: Mechanical Removal

Property: Lot 1224 on Deposited Plan 81944

Location (LGA area/s): Shire of Busselton

Localities (suburb/s): Yallingup

1.2. Description of clearing activities

The vegetation proposed to be cleared is contained within a single contiguous area (see Figure 1, Section 1.5). The application is to clear five individuals including three marri trees and two Acacia shrubs along an existing track to allow the installation of an underground power connection.

1.3. Decision on application

Decision: Granted

Decision date: 16 August 2021

Decision area: Seven 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 B), relevant datasets (see Appendix F.1), the clearing principles set out in Schedule 5 of the EP Act (see Appendix C), 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.

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 on environmental values. The applicant has suitably demonstrated avoidance and minimisation measures.

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

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

1.5. Site map



Figure 1 The areas crosshatched yellow indicate the areas authorised to be cleared under the granted clearing permit.

1.6. 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 510 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)

2 Detailed assessment of application

2.1. Avoidance and mitigation measures

The applicants advised that Western Power originally planned to install the underground power cable adjacent to the northern boundary of the property, however installation at this location would have required the removal of many large trees along the northern boundary line. The applicants proposed an existing access road/firebreak be used as it runs parallel to the northern boundary approximately 6 metres south. This allows for the drill rig to use the existing track and would only need to clear vegetation at the five drilling locations to allow the rig to position for the cable installation. Upon the department requesting further information, the underground cabling contractor has now identified the vegetation that will require removal to allow the drill rig to be parked and operate at the five locations along the cable route. A total of seven individual trees were identified that required clearing; five small marri trees and two Acacia shrubs. No other vegetation will be removed as the drill rig will be positioned mainly on the existing access track (Mr and Mrs Fisher, 2021b). These individuals have been identified with pink flagging tape and pictured in Appendix E. 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.

2.2. Assessment of impacts on environmental values

In assessing the application, the Delegated Officer has had regard for the site characteristics (see Appendix B) 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 C) identified the impacts of the proposed clearing are limited and able to be managed to be environmentally acceptable with standard avoidance and minimisation conditions.

2.3. Relevant planning instruments and other matters

The City of Busselton was provided an opportunity to comment on the application. No comments were received.

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.

Appendix A. Additional information provided by applicant

Summary of comments		Consideration of comment		
	Applicant had a licenced surveyor peg the position of the underground cable every 50 metres and the underground cabling contractors visited the property to	The identification of the exact vegetation required to be removed allowed for the reduction of the application area from 0.5 hectares to just seven trees.		

Summary of comments	Consideration of comment
conduct a site inspection of the proposed cable route and identify exactly what vegetation requires removal.	
Applicant confirmed no large trees will be removed.	Confirmation that large trees would not be cleared meant that fauna and black cockatoo habitat tree assessments were not required.
Applicant provided photographs of seven trees identified to be removed and marked them with flagging tape and provided coordinates.	This allowed for the digitisation of the exact individuals to be cleared.

Appendix B. Site characteristics

B.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 open forest of <i>Eucalyptus marginata</i> and farmland clearing to the north.
	Aerial imagery indicates the local area (10-kilometre radius from the centre of the area proposed to be cleared) retains approximately 30 per cent of the original native vegetation cover.
Ecological linkage	A South West Regional Ecological Linkage axis line is mapped 1 km south of the proposed clearing area (Molloy et al., 2009). The proposed clearing area is not part of this local ecological linkage.
Conservation areas	A Conservation covenant is mapped 450 metres south of the application area.
Vegetation description Mattiske and Havel (1998)	Photographs supplied by the applicant indicate the vegetation surrounding the proposed clearing area consists of <i>Eucalpytus marginata</i> (Jarrah tree) and <i>Xanthorrhoea</i> sp. (Grass trees) and <i>Agonis flexuosa</i> (Peppermint tree). Representative photos and maps are available in 0.
(1000)	This is consistent with the mapped vegetation type by Mattiske and Havel (1998) as updated by Webb et al. (2016): • Which is described as Woodland of Eucalyptus marginata subsp. marginata-Corymbia calophylla on slopes and low woodland of Melaleuca preissiana-Banksia littoralis on depressions in perhumid and humid zones (Mattiske and Havel, 1998)
	The mapped vegetation type retain approximately 30 per cent of the original extent (Government of Western Australia, 2019).
Vegetation condition	Photographs supplied by the applicant indicate the vegetation within the proposed clearing area is in Good (Keighery, 1994) condition, described as: • Vegetation structure significantly altered by obvious signs of multiple disturbances. Retains basic vegetation structure or ability to regenerate it. The full Keighery (1994) condition rating scale is provided in Appendix D. Representative photos are available in 0.
Climate and landform	Rainfall: 1000 mm
Call danamintian	Evapotranspiration: 800 mm
Soil description	The soil is mapped as Cowaramup ironstone rises Phase (216CoCOi) described as Phase Flats and gentle slopes (0-5% gradient) with some laterite outcrop and shallow gravelly sands over laterite.

Characteristic	Details							
Land degradation r	Land Degradation risk table below.	Land Degradation risk ratings mapped over the application area are provided in the table below.						
	Aspect		ard Rating					
	Wind Erosion	High	(H1) (H2)	50-70% of map unit has a high to extreme wind erosion risk >70% of map unit has a high to				
				extreme wind erosion risk				
	Water Erosion	Low	(L1)	<3 % of map unit has a high to extreme water erosion risk				
	Waterlogging	Low	(L1) (L2)	<3% of map unit has a moderate to very high waterlogging risk 3-10% of map unit has a moderate to very high waterlogging risk				
	Water repellence	Low – Medium	(M1) (L2)	10-30% of map unit has a high- water repellence risk 3-10% of map unit has a high- water repellence risk				
	Phosphorus export	Low	(L2)	3-10% of map unit has a high to extreme phosphorus export risk				
	Salinity	Low	(L1)	<3% of map unit has a moderate to high salinity risk or is presently saline				
	Flood Risk	Low – Medium	(L1) (M1)	<3% of the map unit has a moderate to high flood risk 10-30% of the map unit has a moderate to high flood risk				
	Subsurface acidification	High	(H2)	>70% of map unit has a high subsurface acidification risk or is presently acid				
	Acid Sulphate Soils	Moderate to Low	Risk	(Class 2)				
	The application area is acidification.	mapped as an area	of high r	isk of wind erosion and subsurface				
Waterbodies		The application area is located in the Cape to Cape North Surface Water Area. Groundwater is mapped at 1000-3000 mg/L TDS.						
Flora		d of which is <i>Gahnia</i>		ority flora species within the local les approximately 1.7 kilometres				
Ecological communities	local area, the closest	There are records of four threatened and six priority ecological communities within the local area, the closest of which is the Banksia Woodlands of the Swan Coastal Plain a priority ecological community approximately 2.2 kilometres east.						
Fauna	record of which is the t	There are 23 threatened and 26 priority fauna species within the local area, the closes record of which is the threatened species <i>Calyptorhynchus latirostris</i> (Carnaby's cockatoo) and <i>Pseudocheirus occidentalis</i> (western ringtail possum) approximately 52 m southeast.						

B.2. Vegetation extent

	Pre-European extent (ha)	Current extent (ha)	Extent remaining (%)	Current extent in all DBCA managed land (ha)	Current proportion (%) of pre- European extent in all DBCA managed land	
IBRA bioregion*						
Jarrah Forest	4,506,660.25	2,399,838.15	53.25	1,673,614.25	37.14	
Vegetation complex	Vegetation complex					
Beard vegetation association 3 *	2,390,591.54	1,604,101.56	67.10	1,299,263.74	54.35	
Mattiske vegetation complex C2 & Cw2**	13,692.45 6,654.67	4,442.60 1,352.26	32.45 20.32	863.08 245.24	97.65 96.19	
Local area (calculation - delete if not required)						
10km radius	23,897.49	8,534.13	29.71	-	-	

^{*}Government of Western Australia (2019a)

B.3. Flora analysis table

With consideration for the site characteristics set out above, relevant datasets (see Appendix F.1), and impacts to the following conservation significant flora required further consideration.

Species name	Conservation status	Suitable habitat features ? [Y/N]	Suitable vegetation type? [Y/N]	Suitable soil type? [Y/N]	Distance of closest record to application area (km)	known records	Are surveys adequate to identify? [Y, N, N/A]
Acacia inops	Р	Υ	Υ	Υ	4.84	3	NA
Acacia semitrullata	Р	Y	Y	Υ	5.71	1	NA
Banksia sessilis var. cordata	Р	Υ	Υ	Υ	6.41	1	NA
Caladenia excelsa	Т	Y	Y	Y	3.65	28	NA
Drakaea micrantha	Т	Υ	Υ	Υ	4.05	4	NA
Eucalyptus rudis subsp. cratyantha	Р	Y	Υ	Υ	8.98	1	NA
Johnsonia inconspicua	Р	Υ	Υ	Υ	4.07	10	NA
Lepyrodia heleocharoides	Р	Y	Υ	Υ	3.78	2	NA
Pultenaea pinifolia	Р	Υ	Υ	Υ	9.58	1	NA
Thysanotus glaucus	Р	Y	Y	Υ	7.87	1	NA

T: threatened, CR: critically endangered, EN: endangered, VU: vulnerable, P: priority

^{**}Government of Western Australia (2019b)

Appendix C. 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: There are records of six threatened flora and 13 priority flora species within the local area, the closest record of which is Gahnia sclerioides approximately 1.7 kilometres from the proposed clearing area. Considering the condition of the vegetation in the surrounding area, conservation significant flora species may occur nearby. One priority ecological community has been identified within the local area. The PEC is identified as Banksia Woodland of the Swan Coastal Plain. The images provided by the applicant indicated this priority community does not occur within the application area. There are 23 threatened and 26 priority fauna species within the local area, the closest record of which is the threatened species Calyptorhynchus latirostris (Carnaby's cockatoo) and Pseudocheirus occidentalis (western ringtail possum) approximately 525 metres to the southeast. Given the clearing will be limited to five individual trees and two shrubs, the clearing is unlikely to impact conservation significant flora or fauna.	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."	Not likely to be at variance	Yes
Assessment:		
The application area may contain foraging, roosting, breeding, critical, significant habitat for conservation significant fauna which are found in the local area. As no large trees will be cleared, canopy connectivity will be retained; Noting this, the proposed clearing is not likely to impact significant habitat for fauna.		
Principle (c): "Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, threatened flora." Assessment:	Not likely to be at variance	Yes
The surrounding vegetation may contain flora species listed under the BC Act. Considering the clearing will be limited to five marri trees and two Acacia shrubs, significant disturbance to threatened flora is not likely to occur from the proposed clearing.		
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."	Not at variance	No
Assessment:		
The area proposed to be cleared does not contain species that would represent a threatened ecological community.		

Environmental value: significant remnant vegetation and conservation are	eas	
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."	Not likely to be at variance	No
Assessment:	Variance	
The extent of native vegetation in the local area is approximately 30 percent of Pre-European vegetation extent. The Jarrah Forrest IBRA region retains 53.25 percent of Pre-European vegetation extent which is consistent with the national objectives and targets for biodiversity conservation in Australia. The surrounding area is part of a significant ecological linkage in the local area, however considering the extent of the clearing the remnant vegetation will not be reduced significantly.		
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."	Not likely to be at variance	No
Assessment:		
Given the extent of the proposed clearing being reduced to five individual trees and 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.		
Environmental value: land and water resources		
<u>Principle (f):</u> "Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland."	Not at variance	No
Assessment:		
The application area is not within a mapped wetland or watercourse; the proposed clearing is not likely to impact on- or off-site hydrology and water quality.		
Principle (g): "Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation."	Not likely to be at	No
Assessment:	variance	
The mapped soils are highly susceptible to wind erosion. Noting the extent of the application area and the condition of the vegetation, the proposed clearing is not likely to have an appreciable impact on land degradation.		
<u>Principle (i):</u> "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."	Not likely to be at variance	No
Assessment:		
Given no water courses recorded within the application area, the proposed clearing is unlikely to impact surface or ground water quality.		
<u>Principle (j):</u> "Native vegetation should not be cleared if the clearing of the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding."	Not likely to be at variance	No
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 the extent of clearing and the absence of water courses recorded within the application area, the proposed clearing is unlikely to contribute to waterlogging.		

Appendix D. 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 E. Photographs of the vegetation



Figure 1: marri tree to be cleared (Mr and Mrs Fisher, 2021b)



Figure 2: marri tree to be cleared (Mr and Mrs Fisher, 2021b)



Figure 3: Two acacia plants to be cleared (Mr and Mrs Fisher, 2021b)



Figure 4: Three marri trees to be cleared (Mr and Mrs Fisher, 2021b)



Figure 5: No vegetation requires physical removal in this area (Mr and Mrs Fisher, 2021b)

Appendix F. Sources of information

F.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)

F.2. References

- Mrs Fisher (2021a) Clearing permit application CPS 9276/1 received 29 April 2021 (DWER Ref: DWERDT445436).
- Mrs Fisher (2021b) Supporting information for clearing permit application CPS 9276/1, received 13 July 2021 (DWER Ref: DWERDT477896).
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- Department of Environment Regulation (DER) (2013). A guide to the assessment of applications to clear native vegetation. Perth. Available from: https://www.der.wa.gov.au/images/documents/your-environment/native-vegetation/Guidelines/Guide2 assessment native veg.pdf.
- Department of Primary Industries and Regional Development (DPIRD) (2019). NRInfo Digital Mapping. Department of Primary Industries and Regional Development. Government of Western Australia. URL: https://maps.agric.wa.gov.au/nrm-info/ (accessed 30 June 2021).
- Department of Water and Environmental Regulation (DWER) (2019). *Procedure: Native vegetation clearing permits*. Joondalup. Available from: https://dwer.wa.gov.au/procedure/native-vegetation-clearing-permit
- Government of Western Australia (2019) 2018 South West Vegetation Complex Statistics. Current as of March 2019. WA Department of Biodiversity, Conservation and Attractions, Perth, https://catalogue.data.wa.gov.au/dataset/dbca
- Government of Western Australia. (2019) 2018 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of March 2019. WA Department of Biodiversity, Conservation and Attractions. https://catalogue.data.wa.gov.au/dataset/dbca-statewide-vegetation-statistics
- Heddle, E. M., Loneragan, O. W., and Havel, J. J. (1980) *Vegetation Complexes of the Darling System, Western Australia*. In Department of Conservation and Environment, Atlas of Natural Resources, Darling System, Western Australia.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.

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- Northcote, K. H. with Beckmann G G, Bettenay E., Churchward H. M., van Dijk D. C., Dimmock G. M., Hubble G. D., Isbell R. F., McArthur W. M., Murtha G. G., Nicolls K. D., Paton T. R., Thompson C. H., Webb A. A. and Wright M. J. (1960-68) *Atlas of Australian Soils*, Sheets 1 to 10, with explanatory data. CSIRO and Melbourne University Press: Melbourne.
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- Western Australian Herbarium (1998-). FloraBase the Western Australian Flora. Department of Biodiversity, Conservation and Attractions, Western Australia. https://florabase.dpaw.wa.gov.au/ (Accessed 20 June 2021)