# CLEARING PERMIT

*Granted under section 51E of the Environmental Protection Act 1986*

**PERMIT DETAILS**
Area Permit Number: 7997/1
File Number: DER2018/000302
Duration of Permit: From 20 December 2018 to 20 December 2020

**PERMIT HOLDER**
Sierra Group WA Pty Ltd

**LAND ON WHICH CLEARING IS TO BE DONE**
Lot 103 on Deposited Plan 67851.

**AUTHORISED ACTIVITY**
The Permit Holder shall not clear more than 0.6 hectares of native vegetation within the area hatched yellow on attached Plan 7997/1.

**CONDITIONS**

1. **Avoid, minimise and reduce the impacts and extent of clearing**
   In determining the amount of native vegetation to be cleared authorised under this Permit, the Permit Holder must have regard to the following principles, set out in 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. **Records to be kept**
   The Permit Holder must maintain the following records for activities done pursuant to this Permit, in relation to the clearing of native vegetation authorised under this permit:
   (a) the location where the clearing occurred, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
   (b) the date that the area was cleared;
   (c) the size of the area cleared (in hectares); and
   (d) actions taken to avoid, minimise and reduce the impacts and the extent of clearing in accordance with condition 1 of this Permit.

3. **Reporting**
   The Permit Holder must provide to the *CEO* the records required under Condition 2 of this Permit, when requested by the *CEO*.

**DEFINITIONS**
The following meanings are given to terms used in this Permit:

***CEO*** means the Chief Executive Officer of the Department responsible for the administration of the clearing provisions under the *Environmental Protection Act 1986.*

Mathew Gannaway
MANAGER
NATIVE VEGETATION REGULATION

*Officer delegated under Section 20*
*of the Environmental Protection Act 1986*

20 November 2018

# Plan 7997/1

**Legend**

Areas approved to clear

base layers

cadastre

Image

N

0 10 20 30 40 50 m

MGA 94

Geocentric Datum of Australia 1994

.....Date. 20/11/2018

Mathew Gannaway

Officer with delegated authority under Section 20 of the Environmental Protection Act 1986

GOVERNMENT OF WESTERN AUSTRALIA

Government of Western Australia
Department of Water and Environmental Regulation

# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

**Permit application No.:** 7997/1
**Permit type:** Area Permit

### 1.2. Applicant details

**Applicant's name:** Sierra Group WA Pty Ltd
**Application received date:** 19 February 2018

### 1.3. Property details

**Property:** Lot 103 On Deposited Plan 67851
**Local Government Authority:** Shire of Augusta-Margaret River
**Localities:** Osmington

### 1.4. Application

| Clearing Area (ha) | No. Trees | Method of Clearing | Purpose category: |
|---|---|---|---|
| 0.6 | | Mechanical Removal | Dam construction or maintenance |

### 1.5. Decision on application

**Decision on Permit Application:** Grant
**Decision Date:** 20 November 2018
**Reasons for Decision:** The clearing permit application has been assessed against the clearing principles, planning instruments and other matters in accordance with section 51O of the *Environmental Protection Act 1986* (EP Act). It has been concluded that the proposed clearing is at variance to principle (f) and is not likely to be at variance to the remaining principles.

In determining to grant a clearing permit subject to conditions, the Delegated Officer found that the proposed clearing is not likely to lead to an unacceptable risk to the environment.

## 2. Site Information

**Clearing Description** The proposed clearing comprises the removal of 0.6 hectares of remnant native vegetation along an emergent ephemeral stream to develop a gully wall dam. This dam will supply water to cropping activities on the property.

**Vegetation Description** The application area is mapped as occurring within the following vegetation communities (Mattiske and Havel 1998):

- Blackwood Plateau and Plain, Uplands; Woodland of Jarrah (*Eucalyptus marginata* subsp. *marginata*) - Marri (*Corymbia calophylla*) with some Sheoak (*Allocasuarina fraseriana*) on mild slopes in the perhumid zone; and
- Blackwood Plateau and Plain, Valleys; Open forest of Swan River Blackbutt (*Eucalyptus patens*) – Marri (*Corymbia calophylla*) – Jarrah (*Eucalyptus marginata* subsp. *marginata*) on lower slopes and on floors of minor valleys in the perhumid zone.

A review of photographs of the vegetation under application included in the Commissioner of Soil and Land Conservation's site inspection report (Department of Primary Industries and Regional Development 2018) found the vegetation in the application area is a thicket of *Melaleuca* species, *Taxandria* species and mixed myrtaceous shrubs with emergent *Eucalyptus* species.

**Vegetation Condition** The review of the aforementioned photographs found the application area is in Good (Keighery 1994) condition, decribed as:

- Vegetation structure significantly altered by very obvious signs of multiple disturbances. Retains basic vegetation structure or the ability to regenerate it (Keighery 1994).

**Soil Type** The application area occurs within the following mapped land subsystems (Department of Primary Industries and Regional Development 2017):

- Treeton hillslopes Phase: Slopes with gradients generally ranging from 2-15% and gravelly duplex (Forest Grove) and pale grey mottled (Munglte) soils. Duplex sandy gravels, loamy gravels, grey deep sandy duplex soils, pale sandy earths and semi-wet soils; and
- Treeton Wet Valley Phase: Broad U-shaped drainage depressions with swampy floors. Wet and semi-wet soils, duplex sandy gravels, loamy gravels, grey deep sandy duplex soils and pale sandy earths.

| | |
|---|---|
| **Comment** | The local area referred to in this assessment is defined as the area within a ten kilometre radius of the application area. |

## 3. Assessment of application against clearing principles

The southern section of the ephemeral stream targeted by the proposed clearing activities has been previously cleared and a smaller dam established. The application area has been fenced off from the rest of the property and maintained as a separate paddock. In the past the application area has supported livestock grazing (Slade Ag Tech 2018).

A review of available databases has determined that one priority (1), four priority (2), fifteen priority (3), four priority (4) and two threatened flora species have been recorded in the local area. A review of the habitat requirements of these species determined that the application area may comprise suitable habitat for one priority (1), two priority (2), seven priority (3) and one priority (4) flora species (Western Australian Herbarium 1998). The closest recordings of these 11 species range from between three and ten kilometres from the application area, with no previous recordings of these species from within the application area. A review of the recorded occurrences of these 11 flora species over a distance of 50 kilometres from the application area, in conjunction with managed conservation areas, found all of these flora species have been previously recorded in areas managed for conservation purposes. These areas enjoy a higher degree of security from human development and consequently provide an important refuge for species of conservation significance. The presence of these 11 flora species within managed conservation areas mitigates the potential for the proposed clearing activities to adversely impact the conservation status of these species. In addition, the local area retains over 40 percent of its pre-European clearing extent and therefore extensive areas of flora habitat are present in the local area. When the above is considered alongside the limited extent of the proposed clearing activities, the proposed clearing may result in the removal of suitable habitat for these species, but is not anticipated to result in the removal of significant habitat or impact their conservation status.

A review of the NatureMap database identified 20 conservation significant fauna species which have been recorded within the local area (Department of Biodiversity, Conservation and Attractions 2007-). When marine and migratory species and species whose habitat requirements are not met by the application area are excluded, three fauna species of conservation significance have the potential to occur in the application area. These species comprise the Western Quoll (*Dasyurus geoffroii*) (Vulnerable under the *Wildlife Conservation Act 1950* (WC Act), Vulnerable under the E*nvironmental Protection and Biodiversity Conservation Act 1999* (EPBC Act)), Southwestern Brown Bandicoot (*Isoodon fusciventer*) (Priority 4) and the Quokka (*Setonix brachyurus*) (Priority 4). The application area is contained within a fenced paddock, which would be anticipated to inhibit fauna access into this area. Given the limited extent of the proposed clearing and the knowledge that the local area retains much of its pre-European native vegetation extent, the application area is unlikely to constitute significant habitat for fauna species of conservation significance.

A review of available databases determined that the application area is situated approximately 10.5 kilometres from the nearest recorded occurrence of a threatened ecological community (TEC), the 'Shrublands on southern Swan Coastal Plain Ironstones (Busselton area)'. This community has been listed as 'Critically Endangered' by the Western Australian Minister for Environment and is listed as 'Endangered' under the EPBC Act. When consideration is given to the extent of the proposed clearing, the separation distance between the above TEC and the application area and the knowledge that the local area retains much of its pre-European native vegetation extent, the proposed clearing is not anticipated to adversely impact the environmental values of this TEC. No priority ecological communities have been recorded within the local area.

The national objectives and targets for biodiversity conservation in Australia has a target to prevent clearance of ecological communities with an extent below 30 per cent of that present pre-1750, below which species loss appears to accelerate exponentially at an ecosystem level (Commonwealth of Australia 2001). The application area forms part of the 'Jarrah Forrest' IBRA region. This IBRA region retains over 53 per cent of its pre-European clearing extent (Government of Western Australia 2017a). The mapped vegetation complex's 'Blackwood Plateau and Plain, Uplands' and 'Blackwood Plateau and Plain, Valleys' currently retain over 46 and 33 per cent of their pre-European clearing extent, respectively (Government of Western Australia 2017b). Based on the above, the application area does not comprise a remnant in an extensively cleared area. In addition, the application area comprises approximately 0.096 hectares of the 'Blackwood Plateau and Plain, Uplands' vegetation community and approximately 0.504 hectares of the 'Blackwood Plateau and Plain, Valleys' vegetation community. The proposed clearing activities will reduce these vegetation communities current extent by less than 0.1 per cent.

A review of available databases has determined that the clearing activities will result in the clearing of vegetation growing in association with an ephemeral stream. The proposed clearing activities therefore is at variance to principle (f). An existing soak has been established to the south of the application area and the remainder of the vegetation associated with the aforementioned ephemeral stream has been cleared to the cadastral boundary. A review of aerial photography of the local area found this ephemeral resumes in an adjacent property, which retains extensive native vegetation coverage. Given the limited extent of the proposed clearing activities and the previous disturbance to the riparian vegetation communities on the property, the proposed clearing activities are only anticipated to result in the localised loss of an isolated riparian vegetation community remnant. The proposed clearing activities are not anticipated to adversely impact the occurrence or ecological values of riparian vegetation communities situated outside of the application area.

The area under application was inspected by the Office of the Commissioner of Soil and Land Conservation on 8 May 2018. This inspection determined that the application area has a low risk of land degradation resulting from the proposed clearing activities (Department of Primary Industries and Regional Development 2018). No adverse impacts to surface water quality or groundwater quality, or changes to the incidence or intensity of flooding, are expected to result from the proposed clearing activities.

The local area contains several managed conservation areas, the nearest of which is situated approximately 200 metres north of the application area. Given the extent of the proposed clearing, the knowledge that the application area exists within a previously cleared property utilised for agriculture and the extent of remnant native vegetation remaining in the local area, the proposed

clearing activities are unlikely to adversely impact any conservation areas, or ecological linkage's promoting species diversity and recruitment within conservation areas.

Given the above, the proposed clearing is at variance to principle (f) and is not likely to be at variance to any of the remaining clearing principles.

### Planning instruments and other relevant matters

On 27 March 2018, the Shire of Augusta – Margaret River (the Shire) advised that the application area is zoned as 'General Agriculture' under *Local Planning Scheme No. 1* (LPS1). The development of a dam is a permitted ('P') land use, which requires development approval from the Shire. A search of Shire records at this time by the Shire found that an application for development approval had not been submitted for the proposed dam.

The Shire further elaborated that the vegetation under application is classified as remnant vegetation and exists in an area of moderate to low risk of acid sulphate soils. The impact of any clearing associated with the development of a dam requires assessment and due consideration in the processing of an application for development approval, along with the receipt of comments from the relevant State Government agencies. The Shire articulated that it, at this time, did not support the Clearing Permit application and would advise the land owner to lodge an application for development approval to the Shire for assessment and determination.

In correspondence dated 1 November 2018, the Shire advised that they have requested further information from the applicant, in the form of a copy of the clearing permit issued for the vegetation proposed to be removed on site. The Shire articulated that this is the final piece of information required for the development application at the Shire to be determined. Provided the applicant could demonstrate the necessary clearing permits can be obtained from the Department of Water and Environmental Regulation (DWER), the development application for the dam can be determined and likely be conditionally approved.

In correspondence received from the DWER Water Team on 4 April 2018, the Water Team advised that the tributary under application is considered to arise in the property boundary and is therefore not subject to the requirement for either a 'permit to interfere with bed and banks' or a licence 'to take surface water' under the *Rights in Water and Irrigation Act 1914* (RIWI Act). The Water Team also advised that insufficient information was available to determine if the proposed dam will intercept the water table in lieu of professional designs depicting the wall height, depth, storage volume and further information regarding the proposed use of the water. The applicant was advised to contact DWER's Busselton Licensing Section and submit an application for a licence to 'construct or alter a well' or to 'abstract groundwater'.

Further correspondence provided by DWER's Water Team on 29 August 2018 articulated that the Water Team have determined that the proposal does not require authorisation under the RIWI Act. The Water Team also noted that the watercourse flowing through the property is not within a proclaimed tributary of the Margaret River. In addition, the Water Team noted that the proposed dam is located within the Margaret River Catchment Area, which is a Priority 3 Public Drinking Water Source Area (PDWSA). The proposed on-stream dam abuts to and drains towards a Priority 1 PDWSA on the adjacent unallocated crown land lot to the east. The main water quality risks associated with this proposal are:

- Mobilisation of sediment, turbidity and sedimentation to the adjacent property through erosion of the dam infrastructure, particularly during construction works; and
- Nutrients/pesticides can be introduced to the dam from via the application of fertilisers/chemicals around the dam and can impact the area downstream.

To mitigate against the above risks, DWER provides the following advice in accordance with the new Water Quality Protection Note No.53 '*Dam construction and operation in rural areas (June 2018)*', where appropriate.

- Care should be taken during the construction phase to ensure that sediment is not mobilised into the neighbouring property. Where possible, construction works should occur in the dry season;
- Fertiliser's should be applied sparingly on catchment cropland according to the supplier's instructions and the target vegetation's nutrient requirements;
- Maintain vegetation buffers around the dam (see Water Quality Protection Note No.6); and
- DWER encourages the use of shallow-rooted vegetation cover (such as endemic species of perennial shrubs or grasses on the dam embankments) where appropriate in order to mitigate erosion and sediment transport.

No Aboriginal sites of significance have been mapped within the application area.

The clearing permit application was advertised on DWER's website on 23 March 2018 with a 21 day submission period. No public submissions have been received in relation to this application.

## 4. References


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

Department of Biodiversity, Conservation and Attractions (2007-) NatureMap: Mapping Western Australia's Biodiversity. Department of Parks and Wildlife. URL: http://naturemap.dpaw.wa.gov.au/. Accessed June 2018.

Department of Primary Industries and Regional Development (2017) NRInfo: Natural Resource Management. Available from: https://maps.agric.wa.gov.au/nrm-info/. Accessed June 2018.

Department of Primary Industries and Regional Development (2018) Land degradation assessment report for an application to clear native vegetation within Lot 103, on Plan 67851, Osmington, Shire of Augusta Margaret River. Sierra Group WA Pty Ltd. Land Degradation Assessment Report and Supporting Information. Published by the Office of the Commissioner of Soil and Land Conservation. Retained on DWER records file (A1620906).

Government of Western Australia (2017a) 2017 Statewide Vegetation Statistics (formerly the CAR Reserve Analysis) – Full Report. Current as of December 2017 (based on most recent date of input datasets). Prepared by the Department of Biodiversity, Conservation and Attractions (DBCA), Perth. Published February 2018.

Government of Western Australia (2017b) 2017 South West Vegetation Complex Statistics Report, Current as of October 2017. Prepared by the Department of Biodiversity, Conservation and Attractions (DBCA), Perth. Published February 2018.

Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.

Mattiske, E.M. and Havel, J.J. (1998) Vegetation Complexes of the South-west Forest Region of Western Australia. Maps and report prepared as part of the Regional Forest Agreement, Western Australia for the Department of Conservation and Land Management and Environment Australia.

Slade Ag Tech (2018) Application for a clearing permit for proposed dam site, Lot 103 Osmington Road – Margaret River. Retained on DWER records file (A1618729).

Western Australian Herbarium (1998-) FloraBase - The Western Australian Flora. Department of Biodiversity, Conservation and Attractions. http://florabase.dpaw.wa.gov.au/ (accessed June 2018).

GIS Databases:

- Aboriginal Sites of Significance
- Department of Biodiversity, Conservation and Attractions, Tenure
- Hydrography, COG Hydro
- Hydrography, General Hydro
- Hydrography, SLIP Hydro
- Hydrography, Waterbodies
- Hydrography, Wetlands
- SAC bio datasets
- TPFL Data May 2018
- Vegetation Complexes – South West Forests
- WAHerb Data May 2018
- WA TEC PEC Boundaries